

**Honey Brook Township
Ordinance 175-2014
Municipal Solid Waste Collection and Recycling**

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Part 1

General

§210-101. Short Title.

1. This Ordinance shall be known and may be cited as the "Honey Brook Township Municipal Solid Waste Collection and Recycling Ordinance".

§210-102. Purpose.

1. This Ordinance is intended to be an integral part of an overall system designed to facilitate mandatory recycling and ensure Township compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act of July 8, 1988 (P.L. 528, No. 101), ("Pennsylvania Act 101").

§210-103. Definitions.

1. As used in this Chapter the following terms shall have the meaning indicated.

AUTHORITY: Chester County Solid Waste Authority.

BOARD: The Board of Supervisors of Honey Brook Township.

BULK WASTE: All waste materials too large for collection in ordinary containers. Examples of bulk waste include: furniture, appliances, carpeting and similar items. Bulk waste shall not consist of any items that may be packaged and disposed of using regular trash collection procedures.

CANS: Aluminum cans (i.e., soda), tin (steel) cans, bimetal; all food cans (i.e., vegetables, fruit, pet food, juice, coffee, etc., including large economy size), aluminum pie tins and foil; all items must be rinsed and cleared.

COMMERCIAL: Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. Multifamily dwellings, town homes, mobile home parks, hotels, motels, mixed-use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. Does not include properties where primary permitted use is residential and accessory use is commercial (i.e., home occupations). Multiple dwelling residential buildings, including residential units over store front commercial business, containing more than four (4) dwelling units, shall be treated as commercial properties.

COMMUNITY ACTIVITIES: Church, school, civic, service group, municipal functions, and all other such functions conducted within Honey Brook Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 25 or more individuals per day.

COMPOSTING: A process involving the microbial decomposition of organic matter.

CORRUGATED PAPER: Structural paper material with an inner core shaped in rigid parallel furrows and ridges. (i.e., cardboard)

CURBSIDE RECYCLING COLLECTION: The scheduled collection and transportation of recyclable materials placed at the curblin or other area designated by the collector.

CUSTOMER: The owner of any residential, commercial, industrial, or institutional property located within the Township.

DISPOSAL FACILITY: A facility which processes or acts upon solid waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility or a sanitary landfill.

DROPOFF SITES: Those specified locations, staffed or unstaffed, where recyclable materials may be taken at specified times.

DWELLING UNIT: An occupied single or multi-family structure having up to, and including, four dwelling units per structure, or each unit in a multi-family structure if the units are individually owned with a separate entrance onto a public or approved private street.

ENFORCEMENT OFFICER: The official designated herein or otherwise charged with the responsibilities of administering this ordinance, or the official authorized representative.

FARM USE: Any number of continuous lots comprising, in the aggregate, five (5) or more acres under common control by way of ownership or lease, used in whole or in part for agricultural purposes including, without limitation, the growing of crops or the keeping of farm animals, including without limitation, cattle, horses, goats, sheep, alpacas, or maintained in anticipation of farm use as set forth herein.

GLASS CONTAINERS: Bottles and jars made of clear or colored glass. Expressly excluded are non-container glass, mirrors, automobile glass, dishware, plate glass, crystal, light bulbs and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER: All white paper, bond paper, and computer paper used in commercial, industrial, institutional and municipal establishments.

INDUSTRIAL: Any establishment engaging in manufacturing or processing including, but not limited, to factories, foundries, mills, processing plants and refineries.

INSTITUTIONAL: Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

LEAD ACID BATTERIES: Shall include, but not be limited to, automotive, truck and industrial batteries that contain lead.

LEAF WASTE: Leaves from trees, bushes, and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

MAGAZINES AND CATALOGS: Glossy publications including catalogs.

MUNICIPAL SOLID WASTE: Any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial, or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facilities (Pennsylvania Act 101, Section 103), but excluding human body waste, debris from household renovations, whether interior or exterior, dirt, rock, lead pipes, leaf waste, hazardous wastes, and recyclable items as defined herein.

MUNICIPAL WASTE COLLECTOR: Any person registered in Honey Brook Township collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Honey Brook Township, and any business or institution within Honey Brook Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection or transportation of municipal waste or recyclable materials. Municipal waste collectors must be registered by Honey Brook Township and authorized by the State of Pennsylvania.

NEWSPAPER: All paper of the type commonly referred to as newsprint and distributed at fixed intervals having printed thereon news and opinions, containing advertisements and other matters of public interest including glossy inserts. Expressly excluded is junk mail included with newspapers.

PERSON: An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTIC: Bottle and jar containers only (i.e., milk, water, soda, detergent, shampoo). Rinse and crush. Excluded are motor oil bottles, flowers, pens, plastic wrap and Styrofoam.

RECYCLABLE MATERIALS: Source-separated recyclable materials, including materials listed in Section 1501 of Act 101 and materials identified by the Township to be recycled. Such materials may include, but not be limited to: corrugated cardboard, aluminum products, bi-metal, glass, and plastic containers, newspapers, paper, magazines and periodicals and leaf waste. The Township reserves the right to periodically update the list of materials defined as recyclable.

RESIDENTIAL: See "dwelling unit."

SOURCE SEPARATION: The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

TOWNSHIP: The governmental jurisdiction and legal entity of the Township of Honey Brook, County of Chester, Pennsylvania.

Part 2

Handling and Disposition of Municipal Solid Waste

§210-201. Municipal Solid Waste Collection and Disposal.

1. All municipal solid waste generated by persons throughout the Township shall be collected by a state-authorized municipal waste collector.
2. Residents may be required to provide proof of a contract with a registered hauler or proof of proper self-disposal at a State permitted disposal facility
3. Collection of municipal solid waste and recyclable materials shall be made by the municipal waste collector at a minimum of once per week or at such frequency as shall be set forth in rules and regulations adopted hereunder.
4. Owners, landlords or residents of multi-family residential dwellings with two or more units including, but not limited to rental townhouses, condominiums and apartments, shall comply with their responsibilities under this Ordinance by establishing a common system for the collection of municipal solid waste and recyclable materials for all residents of such property by a municipal waste collector.
5. Containers for municipal solid waste, recyclable materials, bulk waste and yard waste set out for collection shall be placed at the street curb or at the end of the driveway of the property from which collected, but in no case within the paved cartway of the street. It is the responsibility of the individual residents to place their containers at curbside in time for collection by the municipal waste collector. Containers shall not be placed in a location which obstructs a public sidewalk or which impedes clear vision for motorists traveling on the adjacent street or at intersections. Containers shall be taken inside or removed from the curbside no later than 12:00 midnight of the collection day.
6. Bulk containers (such as dumpsters) shall not be permitted to overflow or to have municipal waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Part by the person on whose property the bulk container is located, if it is located on private property.
7. Nothing herein shall limit the right of the Township to implement public collection of municipal waste or recyclables wither by entering into contracts or by engaging in any collection practice permitted by law.
8. Nothing in this Section shall modify the requirements in this Part pertaining to separation and disposal of recyclables. Nothing in this Section shall impair the ability of the township to provide a system of placement for removal and public collection of leaf waste, or for Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

§210-202. Unlawful Disposition of Municipal Solid Waste.

1. It shall be unlawful for any person to bring any municipal solid waste into the Township or to transport municipal solid waste from one address to another within or outside of the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.

§210-203. Bulk Waste.

1. Bulk waste may be collected by the municipal waste collector separately from municipal solid waste or by a legitimate salvage dealer that is in the business of disposing or recycling such items. Disposal of bulk waste shall be in accordance with the Chester County Solid Waste Management Plan at a State permitted disposal facility.

§210-204. Hazardous Waste, Batteries, and Electronic Waste.

1. It shall be unlawful for any person to place hazardous or residual waste, as defined in Act 101, in mixed municipal solid waste, discard, or otherwise dispose of hazardous or residual waste except by disposition in compliance with applicable State and Federal laws and regulations.
2. It shall be unlawful for any person to place a used lead acid battery in mixed municipal

solid waste, discard, or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth.

3. In accordance with Act 108, no person or company may dispose of a covered device or any of its components with their municipal solid waste. This type of waste requires special collection and disposal arrangements. Information may be obtained from the County. Covered Devices include:

- A. Desktop computers, laptop computers, computer monitors, CPUs
- B. Computer peripherals (keyboards, mouse, printers, scanners and faxes)
- C. Cables, battery backups
- D. Radios and speakers
- E. Televisions and television screens

Companies recycling electronics in Pennsylvania must have R2 or similar certification that assures the public that any information contained in recycled devices is protected until the time the device is destroyed, and the human health and the environment are protected at all steps during the recycling process, whether the recycling occurs in the United States or abroad.

Part 3

Handling and Disposition of Recyclables

§210-301. Separation of Recyclable Materials.

1. There is hereby established a program for the mandatory source-separation and collection of recyclable materials from municipal waste, as set forth herein, from residential, commercial, institutional, and municipal premises within the Township. The occupant or owner of a home, apartment, or other residential establishment shall separate recyclable materials and leaf waste from other municipal solid waste. In addition, commercial, institutional and municipal establishments and community events shall separate the materials described in this Section.

2. Items to be recycled by dwelling units and mobile home parks include, at a minimum:

- A. Glass containers.
- B. Cans.
- C. Plastics: No. 1 to No. 5 and No. 7.
- D. Paper: newspaper, books, catalogs, magazines, junk mail, paper, envelopes.
- E. Cardboard boxes and containers.

3. Items to be recycled by commercial, industrial, institutional, municipal, and community activities include at a minimum:

- A. Glass containers.
- B. Cans.
- C. Plastics: No. 1 to No. 5 and No. 7.
- D. Paper: newspaper, books, catalogs, magazines, junk mail, paper, envelopes.
- E. Cardboard boxes and containers.
- F. High-grade office paper.
- G. Corrugated cardboard.

§210-302. Residential Collection.

1. Collection of recyclable materials shall be made by a registered municipal waste collector at a minimum of once per week. When placed at the curb for collection in accordance with the provisions of this Ordinance, recyclable materials shall be placed in separate, reusable containers, which clearly identify the contents as recyclables. No person shall place municipal solid waste in containers designated for the separation and collection of recyclables. No person shall place recyclable materials in containers used for the separation and collection of municipal solid waste.

§210-303. Multi-Family Residential Collection.

1. An owner, landlord or agent of an owner or landlord of a multi-family residential dwelling unit with two or more units, or the residents of multi-family residential dwelling units acting by and through a duly constituted homeowners' association, shall comply with their responsibilities under this Part by establishing a collection system for recyclable materials at each property and pickup by a registered municipal waste collector. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants or residents concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with the requirements of this section shall not be liable for noncompliance of occupants of their buildings

§210-304. Commercial, Institutional and Municipal Recycling.

1. All persons occupying commercial, institutional and/or municipal establishments within the Township shall separate materials listed in Section 301, generated at such establishments; store the materials until collected by a registered municipal waste collector; and annually provide written documentation to the Township of the types of materials and the total tons of materials recycled. Such documentation shall be provided to the Township within 30 days of the end of each calendar year.

§210-305. Community Activities.

1. All community activities or events sponsored within the Township shall separate aluminum, glass, plastics, and corrugated cardboard; store materials until collected by a registered municipal waste collector; and provide written documentation to the Township of the type of materials and the total tons of materials recycled.

Part 4

Handling and Disposition of Leaf Waste

§210-401. Separation of Leaf Waste.

1. There is hereby established a program for the mandatory source-separation and collection of leaf waste within Honey Brook Township. The occupant or owner of a home, apartment, or other residential establishment shall separate leaf waste from other municipal solid waste. Owners, landlords and agents of owners or landlords will be responsible for compliance with the collection of leaf waste in accordance with this Part. All persons occupying commercial, institutional and/or municipal establishments within the Township shall collect and separate leaf waste in accordance with this Part and store the leaf waste until collected and recycled.

§210-402. Residential, Multi-Family Residential, Commercial, Institutional, and Municipal Collection.

1. All leaf waste shall be source-separated from municipal solid waste and recyclable materials. Leaf waste shall be collected by a municipal waste collector in accordance with a schedule established annually by the municipal waste collector, but no less than one collection in the Spring and no less than twice during the months of September through December. When the municipal waste collector has scheduled collection of leaf waste, leaf waste shall be placed in separate containers (can, box or bag) at the curb for collection. Leaf waste collected must be taken to a State permitted compost facility.

2. Residents have the option of disposing of leaf waste by composting and/or mulching, and therefore would not be required to comply with the provisions of this section if they choose to compost their leaf waste. Backyard compost should be managed as to not create a nuisance.

3. Residents have the option of disposing of leaf waste by self-hauling to a State approved compost facility, such as the Chester County Lanchester Landfill Composting Site, and therefore would not be required to contract a municipal waste collector for disposition of leaf waste.

§210-403. Farm Use of Recyclable Material.

1. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation on farm use property, including use of newspaper (e.g. shredding for bedding for farm animals), composting and spreading of manure or other farm-produced agricultural wastes, as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules, regulations.

Part 5

Prohibition of Outdoor Burning and Illegal Dumping

§210-501. Prohibition of Outdoor Burning.

1. It shall be unlawful for any person to burn or cause to be burned outdoors for purposes of disposal any municipal waste, leaf waste, yard waste or recyclable materials that are required to be separated and collected pursuant to this Ordinance.

2. Nothing contained herein shall prohibit a farmer from carrying out the normal and customary activities of his farming operations as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules, regulations. A farmer may not burn municipal waste, leaves, and recyclables generated at a residential dwelling unit located on farm use property, or generated at any other residential property.

§210-502. Prohibition of Illegal Dumping.

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable material except at a facility or in preparation for collection by a permitted collector as provided herein. Notwithstanding the foregoing, yard waste may be composted.

2. An accumulation, dumping, or depositing of trash, garbage, ashes, rubbish, and/or other refuse on any private or public property or grounds within the Township is hereby prohibited.

Part 6

Waste Collector Authorization

§210-601. Registration Program Established.

1. With the exception of those persons who directly deliver (self-haul) their municipal waste and/or recyclables, it shall be unlawful for any municipal waste collector to collect and/or transport municipal waste or recyclable materials from any other person's property within Honey Brook Township without having first registered with the Township and be duly authorized by the Commonwealth of Pennsylvania. Any and each such collection in violation hereof from each location shall constitute a separate and distinct offense, punishable as hereinafter provided. The Township may decide at any time to enter into an exclusive contract for residential and/or commercial municipal solid waste collection or any part thereof.

2. All agreements for collection, transportation and disposition of municipal waste and recyclables shall be by private contract between the owner or occupant of the property where the waste is generated and the private hauler who is to collect such waste and/or recyclables.

§210-602. Registration Requirements.

1. All municipal waste collectors shall be registered with the Township through an application process as outlined below.

2. As a condition of the registration, the municipal waste collector shall provide for the

collection of municipal solid waste, bulk waste, recyclable materials, and leaf waste, including annual written reports to the township of the materials collected. Such reports shall include separate tonnages of each type of recyclable material, including leaf waste, collected in the Township for the past calendar year. Residential and commercial tonnages shall be reported separately. Such reports shall be provided to the Township within 30 days of the end of the calendar year

3. A registered municipal waste collector may collect or transport such municipal solid waste or other designated materials within the Township for one calendar year (January 1 through December 31). Each collector must renew the registration no later than January 30 of each calendar year. Any municipal waste collector that is registered shall have the privilege of collecting and transporting municipal solid waste, bulk waste, recyclables, and leaf waste, as defined herein, from within the Township, in strict conformance with this Ordinance and any other applicable State, Federal or local provision of law.

4. Contents of application – At the time of application, the municipal waste collector shall provide the following information to the Township:

- A. The name of the municipal waste collector, the name of a contact person, an email address, the business address, fax, and telephone number of the business office and a 24-hour emergency telephone number to receive calls from persons in the Township who receive collection service.
- B. The dates of proposed leaf waste, solid waste, and recyclable material collection for residential and commercial clients.
- C. The annual written recycling report with collected material tonnages, as outlined in §210-602.2.
- D. A certificate of the municipal waste collector's workmen's compensation insurance, as required by law; naming the township as additional insured.
- E. A certificate of insurance covering complete third-party public liability for bodily injury and property damage, municipal waste collector's protective insurance and automotive insurance with respect to personal injuries and property damage, or owner of the municipal waste collector if the owner is considered a separate entity. Such insurance shall be in amounts that shall be from time to time, set forth by the Board of Supervisors by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Ordinance shall carry with it an endorsement to the effect that the insurance carrier will convey to the Township by certified mail, written notice of any modifications, alterations or cancellations of any such policy or policies of the term thereof. The above- mentioned written notice shall be mailed to the Township at least 10 days prior to the effective date of any such modifications, alteration or cancellation.
- F. The approved disposal site where municipal solid waste, bulk waste, and leaf waste will be taken, as provided in the Chester County Solid Waste Management Plan.
- G. The processing and/or marketing facility where the recyclable materials will be taken.
- H. Such other information as the Township, in furtherance of this Ordinance, shall deem appropriate and necessary.

§210-603. Collection Requirements.

1. Except as provided herein below, the municipal waste collector shall establish a program for the collection and transportation of municipal solid waste, bulk waste, recyclable materials, and leaf waste and shall at a minimum comply with the following:

- A. Establish procedures for the separation, storage and collection of recyclable materials and provide Township residents with adequate notification of all procedures.
- B. Provide for the collection of leaf waste in compliance with Part IV.
- C. Provide for the collection of bulk waste.
- D. Issue warning notices of violations to persons failing to comply with procedures for the separation, storage and collection of bulk waste, recyclable materials and leaf waste, and provide a copy of such warning to the Township.

- E. Provide annual written and certified documentation to the Township, within 30 days of the end of the calendar year, to provide the following:
 - i. Total number of tons of designated materials that were collected and recycled
 - ii. Separate totals for residential and commercial materials
 - iii. The place of disposition of recycled materials

§210-604. Prohibitions.

- 1. It shall be unlawful and a violation of this Part for any municipal waste collector to:
 - A. Collect or transport any municipal solid waste, bulk waste, recyclable materials or leaf waste from any person failing to source-separate said materials in violation of this Ordinance.
 - B. Commingle recyclables or leaf waste collected within the Township with municipal solid waste.
 - C. Fail to provide for the proper disposition of any municipal solid waste, bulk waste, recyclable materials or leaf waste collected or transported within the Township.
 - D. Commence the collection of municipal waste, bulk waste, recyclable materials or leaf waste for any property in the Township prior to 7:00 a.m. or after 8:00 p.m.
 - E. Load or operate any vehicle within the Township or transport municipal solid waste, bulk waste, recyclable materials or leaf waste within the Township in such a manner as to allow municipal solid waste, bulk waste, recyclable materials or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
 - F. Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off of the roadway.
 - G. Fail to accurately report the residential and commercial tonnages of recyclable materials collected in the Township in accordance with this Part.
 - H. Otherwise create a public nuisance.

Part 7

Adoption of Rules and Regulations

§210-701. Rules and Regulations.

1. The collection of municipal solid waste, bulk waste, recyclable materials or leaf waste by the designated municipal waste contractor, the preparation for collection of municipal solid waste, bulk waste, recyclable materials, or leaf waste by property owners and residents of the Township and the provision of reusable containers for the temporary collection and storage of waste or recyclables by the Township shall be made in compliance with any regulations which are adopted by the Board of Supervisors to carry out the intent and purpose of this Part. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this Part. Said rules and regulations may be amended, modified, or repealed by resolution of the Board of Supervisors.

Part 8

Enforcement, Violations, and Penalties

§210-801. Enforcement, Violations, and Penalties.

1. Any person who violates or permits the violation of any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, shall pay a fine for each such violation in an amount not less than \$100 and not more than \$1,000, plus all court costs, including reasonable attorney's fees, incurred by

the Township and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of each Part continues, or each Section of this Part, which shall be found to have been violated shall constitute a separate offense. No judgment shall be imposed until the District Justice imposes the date of determination of a violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

2. Private haulers who shall violate any provision of this Part may be reported to the DEP, by the Township, and may be subject to the revocation of the Commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq.

Part 9

Severability

§210-901. Severability.

1. If any part of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining parts of this Ordinance, which shall continue to be fully operative as if the unconstitutional, illegal, or invalid parts had not been enacted.

Part 10

Repealer

§210-1001. Repealer.

1. Upon enactment of this Ordinance, any and all provisions of any other Ordinance that are inconsistent with the provisions of this Ordinance are hereby repealed.

Part 11

Effective Date

This Ordinance shall become effective five (5) days after the date of its adoption. ENACTED and ORDAINED this 13th day of August, 2014.

ATTEST: *Antoinette M. Montomere*

HONEY BROOK TOWNSHIP BOARD OF SUPERVISORS:

John M. McKelvey
Chairman

[Signature]
Vice-Chairman

[Signature]
Supervisor