

LOWER MACUNGIE TOWNSHIP
Lehigh County, Pennsylvania

ORDINANCE NO. 2024-03
(Duly adopted September 19, 2024)

AN ORDINANCE AMENDING CHAPTER 20, SOLID WASTE, PART 1, TO ADD DEFINITIONS AND TO CLARIFY REQUIREMENTS FOR THE STORAGE AND COLLECTION OF MUNICIPAL WASTE.

WHEREAS, the Solid Waste Management Act of the Commonwealth of Pennsylvania, Act of July 7, 1980, P.L. 380, No. 97, Pa. Stat. Ann. Tit. 35 §6018.101 et seq., (Purdon Supp. 1985) (“Act 97”), was enacted to establish a comprehensive planning and regulatory framework to deal with the storage, collection, transportation and processing of solid waste, including municipal waste, as defined in Section 103 of Act 97, Pa. Stat. Ann. Tit. 35, §6018.103 (Purdon Supp. 1985); and

WHEREAS, the Municipal Waste Planning, Recycling, and Waste Reduction Act of the Commonwealth of Pennsylvania, Act No. 101 of July 28, 1988, P.L. 556 (“Act 101”), was enacted to empower, and assign the duty to, the County to develop municipal waste management plans and otherwise insure adequate capacity for permitted processing and disposal of the municipal waste which is generated within its boundaries and empowers, and assigns the duty to, each municipality other than a county, to assure the proper and adequate transportation, collection and storage of, and adequate capacity for the disposal of, municipal waste generated within its boundaries; and

WHEREAS, Act 101 was also enacted to develop strategies to encourage recycling and to confer various additional powers upon counties and certain municipalities to implement mandatory recycling collection programs; and

WHEREAS, the Township of Lower Macungie has authority under Act 97 and Act 101 to provide for the management of municipal waste and recyclables within its boundaries as hereinafter provided; and

WHEREAS, the Township adopted the current version of Chapter 20 in 2011; and

WHEREAS, the Township recently entered into a three (3) year contract with WM for the collection of residential municipal waste and recyclables, which contract may be extended for additional two (2) years at the sole discretion of the Township; and

WHEREAS, there are parts of Chapter 20 that require amendment to update certain aspects of the Township’s municipal waste programs; and

NOW THEREFORE, The Board of Commissioners of Lower Macungie Township, Lehigh County, Pennsylvania, does hereby enact and ordain:

Section 1. The Code of Lower Macungie Township, Chapter 20, Solid Waste, Part 1. Municipal Solid Waste, §20-102. Definitions, is amended as follows:

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CART (a/k/a COLLECTION CART OR WHEELED CART)

A wheeled receptacle, usually constructed of plastic and having a hinged lid which can be closed preventing entrance of rain and vectors into the container. The mouth of the cart shall have a diameter greater than or equal to that of the base. The container shall have the provisions to be both handled manually and mechanically.

CONTAINER

See Definition of "Cart" above.

Section 2. The Code of Lower Macungie Township, Chapter 20, Solid Waste, Part 1. Municipal Solid Waste, §20-103. Storage of Municipal Waste, Section 1.A., shall be deleted in its entirety and restated as follows:

1. General.

- A. Storage. It shall be the duty of every owner of property and every person occupying a Commercial Establishment, Institutional Establishment, Institutional Establishment or dwelling unit where municipal waste is produced and accumulated within the Township, to provide and keep at all times at his own expense and cost a sufficient number of carts or containers approved by the Township to hold all municipal wastes which may accumulate during the intervals between collection of such municipal waste, safely and securely.

Section 3. The Code of Lower Macungie Township, Chapter 20, Solid Waste, Part 1. Municipal Solid Waste, §20-103. Storage of Municipal Waste, Section 2.A., shall be deleted in its entirety and restated as follows:

2. Storage on and Collection from Residential Properties.

- A. Storage and Containers. All municipal waste generated by the owner or occupant of a residential unit or property shall be placed in a cart or carts for collection by the waste hauler selected by the Township from time to time. All carts will be provided by the Township and will be durable, watertight and designed for residential collection. The carts shall at all times be secured by closing the lid tight and should be inaccessible to insects, birds, rodents and vermin. Recyclables also shall only be stored in Township-designated containers, and only after all food stuffs and other material which draw insects, birds, rodents and vermin has been removed.

Section 4. The Code of Lower Macungie Township, Chapter 20, Solid Waste, Part 1, Municipal Solid Waste, §20-103. Storage of Municipal Waste, Section 2., shall be amended by deleting subsection C. in its entirety and restating subsection C. to state:

- C. Placement of Containers. All carts for municipal waste and recyclables shall be stored in a side yard or a rear yard except during the hours of collection. Storage in a front yard is strictly prohibited unless completely shielded from view. Municipal waste and recyclables may be placed at the street for collection only on the property whose occupants generated the municipal waste or the

recyclables. Municipal waste and recyclables may be placed at street for collection no earlier than 5:00 p.m. on the day preceding a scheduled collection. Municipal waste and recycling carts shall be removed from the street within 12 hours of a scheduled collection.

Section 5. The Code of Lower Macungie Township, Chapter 20, Solid Waste, Part 1. Municipal Solid Waste, §20-103. Storage of Municipal Waste, Section 2., shall be amended by adding a new subsection D., to read as follows:

D. Municipal Waste Disposal. All municipal waste generated by the owner or occupant of a residential unit or property shall without exception utilize the township designated waste hauler for collection and disposal.

Section 6. The Code of Lower Macungie Township, Chapter 20, Solid Waste, Part 1. Municipal Solid Waste, §20-106. Exclusions, shall be amended by deleting subsection 1, and designating former subsection 1 “[Reserved].”

Section 7. Nothing in this Ordinance or in Chapter 20 of the Code of the Lower Macungie Township, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 20 prior to the adoption of this amendment.

Section 8. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

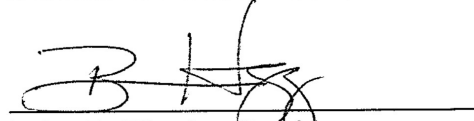
Section 9. This Ordinance is effective immediately upon enactment.

ENACTED and ORDAINED this 19th day of September, 2024.

ATTEST:

LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS


Renea Flexer, Secretary


Brian P. Higgins, President



	Motion	2nd	Yes	No	Abstain
R. Beitler			✓		
B. Higgins			✓		
M. Robert	✓		✓		
B. Shoemaker			✓		
R. Ward		✓	✓		

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