

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP
Tuesday, October 27, 2009
7:00 PM

1. Invoices
2. Minutes
 - a. October 20, 2009
3. Review 3rd Qtr financials
4. Eagle Scout Resolution
5. Hershey's Mill Dam Classification
6. Solid Waste Ordinance
7. Any Other Matter
8. Subdivisions/Land Developments/ZHB Applications – no new applications
9. Public Comment

S

WORKSHOP
4.
2pm
 **DRAFT**

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 09-54

**A RESOLUTION ESTABLISHING THE
POLICY FOR EAGLE SCOUT PROJECTS**

WHEREAS, Boy Scouts attempting to obtain the rank of "Eagle Scout" need to perform a community service project; and

WHEREAS, Boy Scouts frequently approach the Township about performing a project for the Township; and

WHEREAS, the Board of Supervisors believe that such projects are a benefit to the Township; and

WHEREAS, the Board of Supervisors believe it is in the best interest of a Township to adopt a policy for the implementation of these projects.

BE IT RESOLVED THAT the East Goshen Township Board of Supervisors hereby adopts the following policy for the implementation of an Eagle Scout Project.

1. The Scout meets with the Director of Public Works to discuss potential projects.
2. The Scout selects his project and obtains approval from the Troop.
3. The Scout prepares a materials cost estimate, an estimate of the labor (man-hour's) required and any equipment needs required to complete the project.
4. The Township may contribute up to a maximum of \$200 worth of materials requested for a project.
5. The Scout makes a presentation to the Director of Public Works.
6. The Scout presents his project to the Park and Rec Board for their approval. If the project falls under the purview of the Conservancy Board or Historical Commission the Scout must present his project to the appropriate board and obtain their recommendation prior to the presentation to the Park and Rec Board.
7. The Scout makes a presentation to the Board of Supervisors for final approval of the project. The Director of Public Works issues a letter giving final approval to the project.
8. The Director of Public Works will, if required, arrange for the purchase of any required materials, obtain the building permit and arrange for any inspections.

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9. The Scout completes the project under the supervision of the Director of Public Works.
10. The Director of Public Works issues a letter acknowledging the Scout's completion of the project.

RESOLVED AND ADOPTED, this 10th day of November, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary



Gannett Fleming

WORKSHOP
5.
6 pgs
GANNETT FLEMING, INC.
P.O. Box 80794
Valley Forge, PA 19484-0794

Location:
Valley Forge Corporate Center
1010 Adams Avenue
Audubon, PA 19403-2402

Office: (610) 650-8101
Fax: (610) 650-8190
www.gannettfleming.com

October 23, 2009

Mr. Rick Smith
Township Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Re: Hershey's Mill Dam – Dam Break Analyses Review, Assessment of Classification and Report

Dear Mr. Smith:

Gannett Fleming has completed review of the following documents in accordance with our Agreement for Hershey's Mill Dam, Dam Break Analyses Review and Report. The referenced dam break analyses provided by the Pennsylvania Department of Environmental Protection (PADEP) are the primary focus of this report.

1. Break analyses and information provided by PADEP, apparently prepared to establish the dam size/hazard classification for the Hershey's Mill Dam, which is C-2.
2. Cover Memorandum prepared by Yerkes Associates, Inc. dated 9-15-2009, for Hershey's Mill Dam, Inundation Study with revised data.

Review of information included in this document "that during the 100-yr storm event the dam will be overtopped by approximately 1.72 feet of water" appears to support results as presented by PADEP. PADEP reports the dam will be overtopped by 1.15 feet.

3. Letter from Yerkes Associates, Inc. dated 9-15-09 regarding Hershey's Mill Dam / Draining & Storage Volume.

Review of information included in this document appears to indicate that significant siltation of the impoundment has occurred, and that because of "the amount of accumulated silt in the reservoir that the potential for catastrophic failure of the dam is remote, but there is no precise method of determining the odds that that will occur", and that "there is a substantial possibility that the debris carried in the stream channel will block the culverts under Greenhill Road, especially if one of the large trees on the dam topples and is carried downstream"

These documents are referenced as Items 1, 2 and 3, respectively, in the following text.



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Review of Break Analyses and information provided by the Pennsylvania Department of Environmental Protection (PADEP)

The break analyses were completed for two storm events; the 100-Year and 2-Year return frequencies, using the HEC1 Computer Program developed by the U. S. Army Corps of Engineers. The Program is typically used and accepted as a standard for dam modeling purposes.

HEC1 Program Data Entry

1. The drainage area is entered as 1.8 square miles (1,152 acres) and closely matches (1,199 acres) information included in Item 2 above.
2. The total 100-Year, 24 hour duration precipitation depth is entered as 8.15 inches. This depth is consistent with published National Oceanic and Atmospheric Administration (NOAA) point precipitation information included in Item 1.
3. No reference is given with respect to the temporal distribution for precipitation; however it appears to be generally consistent with information published by the Natural Resources Conservation Service (NRCS).
4. The Curve Number is reported as 64. This evaluation of surface cover is consistent with the calculations included in Item 1 and is judged to be a relatively pervious representation.
5. The Lag Time is appropriately entered as 0.74 hours which is typically computed as sixty percent of the time of concentration (1.23 hours).
6. Impoundment stage/storage is entered as impoundment water surface area at specific elevations (see Table 1) which is in accordance with generally accepted procedures.

Table 1

PADEP Stage (Elevation, Feet)	Stage per Yerkes Assoc., Inc. Existing Plan	Stage Description	Impoundment Surface Area (Acres) per PADEP	Program Calculated Storage (Acre Feet)
437.		Assumed Impoundment Bottom	0	0
448.	446.78	Existing Spillway Crest	7	26
450.5	449.0	Existing Top of Dam	10	47

Note: The assumed PADEP impoundment bottom elevation is in close agreement with information provided by East Goshen Township via email dated 9-23-09.

Table 2 is prepared for general comparison between the PADEP analyses information and information provided by Yerkes Associates, Inc.

Table 2

Comparison Information	PADEP	Yerkes Assoc., Inc.
Freeboard = top of dam elevation – spillway crest elevation	2.5 Feet	2.22 Feet
Surface Area at Spillway Crest	7 Acres	Approx 2.21 Acres (based on assumptions/calculations)
Surface Area at Dam Crest	10 Acres	Not available
Freeboard Storage	21 Acre Feet	6.6 Acre Feet (per Item 3)

(Note: The apparent datum correlation based on spillway crest elevation is: Existing Conditions Plan datum prepared by Yerkes Associates, Inc. plus 1.22 feet = PADEP datum.)

7. Hershey's Mill Dam stage/discharge is entered in accordance with the generally accepted weir discharge relationship.
8. Hershey's Mill Dam overtopping stage/discharge is entered in accordance with the generally accepted weir discharge relationship.
9. Three flood routing scenarios are considered for the 100 Year event:

100-Year Break Data Scenarios:

Table 3

Parameter	Plan 1, No Break	Plan 2 Break	Plan 3 Break
Breach Bottom Elevation (Feet)	NA	443.25	442.7
Break Bottom Width (Feet)	NA	40	40
Break Sideslopes (Horizontal to Vertical)	NA	1:1	1:1
Time to Develop Break (Hours)	NA	0.5	0.5
Water Surface Elevation to Initiate Break (Feet)	NA	451.64	450.08

The results at Hershey's Mill Dam are:

Table 4

Parameter	Plan 1, No Break	Plan 2 Break	Plan 3 Break
Peak Discharge (Cubic Feet per Second)	2,075	2,651	3,173
Impoundment Stage (Feet)	451.65	451.65	451.22

Embankment failure for Plan 2 is initiated at the maximum computed 100-Year stage without break which is the generally selected stage because it represents the most conservative condition. Plan 3 break elevation is Elevation 450.08, which is 2.08 feet above the spillway crest.

10. Greenhill Road Hydraulic Input (modeled as a dam embankment):

The Greenhill Road embankment is modeled as a dam embankment which is consistent with generally accepted procedures. The stage storage relationship is apparently prepared from stage area information:

Table 5

Stage (Feet)	Greenhill Road Impoundment Surface Area (Acres)
435.5	0
440.	1
450.	2.6

The Greenhill Road culvert rating was prepared based on two corrugated metal pipe (CMP) arches, approximately 65 inches by 43 inches at invert Elevation 435.5 feet and one 36 inches diameter corrugated metal pipe at invert Elevation 436.0 feet:

Table 6

Stage (Feet)	Discharge (CFS)
435.5	0
436.	14.4
437.	63.5
438.	136
439.	224
440.	292
441.	359
442.	395

Low Elevation of Greenhill Road (embankment) = Elevation 442.
 Length of road embankment for overtopping = 500 feet
 Discharge Coefficient = 2.65

The results at Greenhill Road are presented in Table 7:

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Table 7

Parameter	Plan 1, No Break	Plan 2 Break	Plan 3 Break
Peak Discharge (CFS)	2,116	2,580	3,018
Impoundment Stage (Feet)	443.17	443.37	443.55
Discharge Depth above Low Road Elevation (Feet)	1.17	1.37	1.55

Review Conclusions:

1. A dam permit was apparently not prepared for the original construction of Hershey's Mill Dam. Information has been submitted by East Goshen Township to PADEP and PADEP has issued an application number for the dam.
2. It is unclear if previous hydrologic/hydraulic analyses completed for Hershey's Mill Dam has been accepted by PADEP. The analyses prepared by PADEP (dated September 2006) may have been completed in an effort to classify the dam without any other information available.
3. Two alternative breach bottom elevations (Elevations 443.25 and 442.7) were considered, possibly for siltation considerations. It is noted that the impoundment bottom elevation used for stage storage computation corresponds to Elevation 437.0.
4. PADEP included two 3 feet by 6 feet arch culverts at invert Elevation 435.5, and one 36 inch diameter culvert at invert Elevation 436 for the Greenhill Road embankment. Review of the Existing Conditions Plan prepared by Yerkes Associates, Inc. indicates two 65 inches by 43 inches arch culverts at approximate invert Elevation 432.67 and one 60 inches by 42 inches CMP arch at invert Elevation 432.17. While there are differences in the existing versus PADEP culvert sizes and therefore rated culvert capacities, the net consequences is probably inconsequential when considering the proximity of the dam to the culverts and the fact that debris and other material will likely severely restrict hydraulic capacity of the culverts during a dam break condition.
5. Review of the PADEP results for Greenhill Road indicates that the road would be overtopped by 1.17 feet for the no break condition, and the incremental increase in depths are 0.2 feet and 0.38 feet for breach Plans 2 and 3, respectively.
6. Hershey's Mill Dam is located "on a natural watercourse" and the contributory drainage area exceeds 100 acres. Accordingly, the structure is regulated under the Section 302 of the Flood Plain Management Act (32 P.S. § 679.302). The size classification is Class C (impoundment storage equal to or less than 1,000 acre feet and dam height equal to or less than 40 feet) and the hazard potential Classification is judged Category 2 (Pennsylvania Code, Title 25, Paragraph 105.91).

7. Per Pennsylvania Code, Title 25, Paragraph 105.91, *a dam or reservoir shall be classified in accordance with size and the hazard potential which might occur in the event of an operational or structural failure*. Based on review of the analyses prepared by PADEP, overtopping of Greenhill Road occurs with and without dam break for the 100-Year event. Presuming the loss of access to Greenhill Road and its closure is considered "short duration public inconvenience", the C-2 Classification appears to be appropriate.

Accordingly, based on review of the PADEP analyses and related information, Gannett Fleming concurs with the current C-2 Classification for Hershey's Mill Dam.

We appreciate this opportunity to provide engineering services to East Goshen Township. Please call the undersigned at 610-650-8101 (ext 7126) if you have any questions.

Very truly yours,

GANNETT FLEMING, INC.



RICHARD E. HORVATH, P.E.
Project Manager

REH/rh

- c. Esther McGinnis
Paul Schweiger
R. Scott Hughes
File

Smith, Rick

From: Don McConathy [dmccconathy@verizon.net]
Sent: Friday, October 23, 2009 2:25 PM
To: 'Rick Smith'
Subject: RE: Solid Waste ordinance
Attachments: Chapter 194 Draft 101409 DRM revision.doc

Rick –

I have incorporated my latest changes to this document. There are a couple of questions to be discussed during review. Unfortunately you can not see my changes as they are the same color as yours. I rewrote 194.6 B, modified 194.8, 194.12B AND 194.13B and made some minor edits throughout. As far as I am concerned this can go to the full Board for their review.

Don McConathy
dmccconathy@verizon.net

From: Rick Smith [mailto:rsmith@eastgoshen.org]
Sent: Friday, October 23, 2009 12:12 PM
To: 'Don McConathy'
Subject: RE: Solid Waste ordinance

attached

Rick Smith, Township Manager
East Goshen Township

From: Don McConathy [mailto:dmccconathy@verizon.net]
Sent: Friday, October 23, 2009 9:45 AM
To: Rick Smith
Subject: Solid Waste ordinance

Rick –

Can you send me your latest revision to this ordinance and I will update with my suggested changes. Thanks.

Don McConathy
dmccconathy@verizon.net

10/23/2009

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 129 ____ - ____

AN ORDINANCE OF EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 194 OF THE EAST GOSHEN TOWNSHIP CODE, TITLED, "SOLID WASTE."

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of East Goshen Township that the Code of the Township of East Goshen shall be amended as follows:

SECTION I. Chapter 194 is repealed in its entirety and replaced with the following:

Chapter 194, SOLID WASTE

§ 194-1. Title.

This chapter shall be known and may be cited as the "Municipal Waste Collection and Recycling Ordinance."

§ 194-2. Definitions.

The following terms shall have the following meanings in this chapter:

Act 97 -- The Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq.

Act 101 -- The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 656, No. 101, 53 P.S. § 4000.101 et seq.

BULK TRASH -- Any discarded items that are of a size such that they can not be placed in a standard size municipal waste container, including but not limited to mattresses, box springs, sofas, chairs, TVs, rugs or carpet (must be cut into 43' lengths, rolled up and tied or taped), stoves, ovens, washers, dryers, large microwave ovens, air conditioners, humidifiers, refrigerators and freezers (with freon removed), and dehumidifiers. Bulk waste shall not include construction debris, hazardous materials, computers, automotive parts, batteries, tires or leaf waste.

COLLECTOR -- Any person collecting or transporting municipal waste or recyclable materials for the owners or occupants of property in the Township, and any business or institution within the Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection or transportation of the waste or recyclable materials.

1 CONSTRUCTION DEBRIS -- Customary, nonhazardous waste building materials resulting
2 from construction, remodeling, repair or demolition operations. Includes shingles, drywall,
3 wood, masonry, concrete, flooring, fencing, metal sheds, insulations, etc.

4
5 CORRUGATED CARDBOARD -- Any structural paper material with an inner core shaped in
6 rigid parallel furrows and ridges.

7
8 ~~DUE DATE -- The first day of each calendar quarter (January 1, April 1, July 1 and October 1).~~

9
10 ~~EXISTING CONTRACT -- Any agreement or contract fully executed, delivered and in effect,~~
11 ~~and in reliance upon which there has been a material change in position by any person who is a~~
12 ~~party thereto or beneficiary thereof prior to the effective date of this chapter for the collection,~~
13 ~~disposal or transportation of municipal waste generated within the Township.~~

14
15 HAZARDOUS WASTE -- Any waste which consists in any part of a chemical, compound,
16 mixture, substance or article designated by a federal agency, including the United States
17 Environmental Protection Agency, or commonwealth, county or Township agency to be
18 hazardous, toxic or dangerous, as those terms are defined by or pursuant to federal, state, county
19 or local law.

20
21 LEAF WASTE -- Leaves, garden residues, shrubbery and tree trimmings and similar materials
22 but not including grass clippings, dirt or rocks. (Note: DEP will not accept grass clippings with
23 "Leaf Waste".)

24
25 MIXED PAPER -- Paper products to include junk mail, telephone books, catalogs, white or
26 colored paper, newspaper, magazines, flattened boxes (cereal boxes or any box which does not
27 come in direct contact with food), non-corrugated cardboard (cannot contain ripples between the
28 cardboard layers), and envelopes (which include window envelopes).

29
30 MULTI-FAMILY RESIDENTIAL COMPLEX (EACH UNIT) -- A townhouse or apartment
31 complex containing 4 or more dwelling units as defined in Chapter 240, Zoning, as amended.

32
33 MUNICIPAL WASTE CONTRACTOR -- The contractor of the Township pursuant to Section
34 304(c) of Act 101, as amended, to carry out its duties for recycling, transportation, collection and
35 storage of municipal waste and source-separated recyclables in a manner that is consistent with
36 Act 97, as amended, and Act 101, as amended, and the regulations promulgated pursuant
37 thereto. Any such ~~contractor~~person shall be jointly and severally responsible with the Township
38 when carrying out its duties for transportation, collection or storage activity.

39
40 MUNICIPAL RECYCLING PROGRAM -- A source separation and collection program for
41 recyclable materials.

42
43 MUNICIPAL WASTE -- Any garbage, refuse, industrial lunchroom or office waste and other
44 material, including solid, liquid, semisolid or gaseous material resulting from the operation of
45 residential, municipal, commercial or institutional establishments and from community activities,
46 and any sludge not meeting the definition of residential or hazardous waste in Act 97 from a
47 municipal, commercial or institutional water supply treatment plant, wastewater treatment plant
48 or air pollution control facility. The term does not include recyclable materials, construction
49 debris or hazardous waste.

PERSON -- Any natural person, firm, corporation, partnership, association or institution.

RECYCLABLE MATERIALS -- Those materials specified by the Township for collection in accordance with this chapter. Such material may include, but shall not be limited to, steel (tin), bi-metal and aluminum cans; clean green, brown and clear glass containers; plastic containers (numbers 1 thru 7 excluding Styrofoam); corrugated cardboard; high grade office paper; and mixed paper. The list of acceptable recyclable materials may be changed from time to time by the Township.

RESIDENT -- A person, who owns, leases or otherwise occupies a property located in East Goshen Township used as a residence.

SINGLE-FAMILY RESIDENTIAL UNIT-- A single-family detached or semidetached dwelling unit as defined in Chapter 240, Zoning, as amended.

TOWNSHIP -- East Goshen Township, Chester County, Pennsylvania.

§ 194-3. Establishment of Municipal Recycling and Municipal Waste Collection Programs.

A. There is hereby established a program for the mandatory source separation and collection of municipal waste and recyclable materials and leaf waste within the Township. Additionally, leaf waste shall be separated from municipal waste during those periods when the Township offers a separate leaf waste pickup in the spring and fall.

B. All municipal waste, leaf waste and recyclable materials generated in the Township, shall be collected and disposed of in accordance with this chapter.

C. It shall be unlawful for any person to deposit, dump, spill, throw, place or bury or permit another to deposit, dump, spill, throw, place or bury in or upon any parcel of land, lot, street, highway, gutter or in any alley or in any water or stream or ditch within the limits of the Township any municipal, bulk or hazardous wastes or recyclable materials or construction debris. This provision does not preclude a property owner from temporarily storing these materials for a short period of time, generally less than one (1) week, on his property prior to collection or disposal.

§ 194-4. Single-Family Residential Recycling.

A. All recyclable materials from residences in the Township shall be separated from the municipal waste and placed at the curb for collection by the municipal waste contractor. Recyclable materials shall be placed in separate, reusable containers which clearly identify the contents as recyclables. Such containers may be provided by the Township. The Township may also provide "recycling" stickers that residents can affix to larger reusable containers.

B. Collection of recyclable materials shall be made by the municipal waste contractor at a minimum of once per week on a day as determined by the Township.

C. Nothing in this chapter shall be deemed to impair the ownership of recyclable materials by the ~~persons-residents~~ who generated them unless and until the recyclable materials are placed at curbside for collection by the municipal waste contractor.

D. From the time of placement of the recyclable materials at the curb by the resident ~~municipal waste contractor~~ the recyclable materials shall become the property of the Township. It shall be a violation of this chapter for any person not duly authorized by the Township to collect or pick up any recyclable materials. Any and each such unauthorized collection from one or more residences shall constitute a separate and distinct offense punishable as hereinafter provided in this chapter.

§ 194-~~56~~. Single-Family Residential Municipal Waste.

A. All municipal waste generated at single-family residences throughout the Township shall be placed at the curb the night before scheduled collection for ~~collection-pickup~~ by the municipal waste contractor. Municipal waste shall be placed in one or more trash cans or trash bags provided by the property owner. The number of containers that the municipal waste contractor may pick up at each residence shall be determined by the Township. Such containers shall not exceed fifty (50) pounds in weight when full unless a heavier weight is specifically established by the Township.

B. Collection of municipal waste shall be made by the municipal waste contractor at such frequency as determined by the Township.

§194-~~67~~ Single-Family Residential General

A. No person shall place municipal waste in trash cans or trash bags used for the collection of recyclables. No person shall place recyclable materials in trash cans or trash bags used for the collection of municipal waste.

~~B. Municipal waste that is too bulky to be placed in a trash can must be cut up and securely tied into bundles of which the longest dimension shall not exceed three (3') feet and the total weight of each bundle shall not exceed fifty (50) pounds in weight.~~

C. ~~Lightweight~~ Municipal waste materials that are too bulky to be placed in a trash can shall must be cut up and securely tied into bundles or packaged in a manner designed to prevent any scattering while the municipal waste contractor is handling the same or while such bundles await collection. Bundles or packages shall be of a size and construction have the longest dimension not exceeding three (3') feet so as to permit ease of handling by one person and shall not exceed fifty (50) pounds in weight.

~~CD.~~ Bulk trash items must be able to be lifted by two people. Any appliance that contains or once contained Freon will not be collected unless the Freon has been removed and a sticker certifying to such has been affixed to the appliance. Collection of bulk waste shall be made by the municipal waste contractor at such frequency as determined by the Township

DE. Building materials, full or partially full paint cans, used motor oil, batteries, computers, hazardous materials, automotive parts and tires, will not be collected by the municipal waste contractor.

1
2 | EFF. Trash cans, trash bags, bulk trash, leaf bags, ~~yard waste~~ leaf waste and recycling bins,
3 shall not be placed at the curb for collection before noon of the day immediately proceeding the
4 scheduled collection day. All municipal waste containers (trash cans) and recycling bins shall be
5 removed from the curb no later than 8:00 a.m. on the day immediately succeeding the scheduled
6 collection day.

7
8 (1) ~~Any person who commits a violation of Section 194-7F shall upon conviction~~
9 ~~thereof in a summary proceeding brought before District Justice is guilty of a summary~~
10 ~~offense and subject to the following:~~

11
12 (a) ~~An amount not less than Twenty-five (\$25.00) Dollars for the first offense~~
13 ~~in any 365 consecutive day period.~~

14
15 (b) ~~An amount not less than Fifty (\$50.00) Dollars for the second offense if it~~
16 ~~occurs within the same 365 day period as the first offense; and~~

17
18 (c) ~~An amount not less than One Hundred (\$100.00) Dollars for the third~~
19 ~~offense if it occurs within the same 365 day period as the first and second offense.~~

20
21 | §194-7. Residential Leaf ~~w~~Waste Collection.

22
23 | A. ~~During the spring and fall, on specific weekdays as determined by the Township, All~~
24 leaf waste shall be separated from other municipal waste generated within East Goshen
25 Township. Leaf waste shall be placed at the curb for collection in one or more ~~in~~ biodegradable
26 paper bags that will be taken with the leaves; or in a trash can or similar container that will be
27 emptied by the municipal waste contractor. Leaf waste placed in plastic bags shall not be
28 collected by the municipal waste hauler as part of the leaf waste collection program.

29
30 | B. ~~Any resident who otherwise provides for the proper disposal of leaf waste by composting~~
31 ~~shall not be required to comply with the provisions of this section.~~

32
33 | C. ~~Collection of leaf waste shall be made by the municipal waste contractor at such~~
34 ~~frequency as determined by the Township.~~

35
36 | §194-8 Multi-Family Residential Complex Exception

37
38 | A. An owner, landlord or agent of an owner of a multi-family residential complex ~~rental~~
39 ~~housing property with four or more units; or the residents of a multi-family residential properties~~
40 complex, acting by and through a duly constituted homeowners' association, may comply with
41 their responsibilities under this chapter by establishing a collection system for recyclable
42 materials and municipal waste by a private collector.

43
44 | B. Such owners, landlords, agents and homeowners' associations shall annually provide
45 written documentation to the Township of the total number of tons of municipal waste and
46 recyclables materials and the type of materials recycled ~~collected by a private collector at the~~
47 complex.
48

C. Such owners, landlords and agents of owners or landlords who comply with this chapter under this subsection shall not be liable for the noncompliance of the occupants of their buildings.

§ 194-9. Commercial, institutional and municipal recycling.

A. All ~~persons occupying~~ owners of commercial, institutional and municipal establishments within the Township shall separate recycled materials generated at such establishments for collection by a private collector

B. Such ~~persons~~ owners shall annually provide written documentation to the Township of the total number of tons of recycled materials and the ~~type of materials reeyeled.~~ collected.

§ 194-~~108~~. Fees.

A. Provision and availability of regular collection.

(1) The residences of the Township are hereby divided into fair and reasonable types according to their structure and uses for the purpose of municipal waste and recyclable materials collection. (DRM - Note sure what this means??)

(2) The Township Manager, in his sole discretion, shall determine the classification of all properties in the Township.

(3) Refuse fees for the provision and availability of regular collection of municipal waste and recyclable materials, whether or not the same is utilized or needed by the owner of the residence or tenants, shall be established from time to time by resolution of the Board of Supervisors.

B. Refuse fees shall be paid quarterly by the owner of the property to which trash and recycling collection services have been provided or are available. Quarterly billings for refuse fees shall be made by bills dated on the first day of January, April, July and October of each year, for the calendar quarter following the date of the bill. Bills for the refuse fees shall be mailed to the property owner of the property to which trash and recycling collection services have been provided or are available.

C. Failure of the property owner to receive a bill for the refuse fee will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face. (DRM - Add the one time resolution for non-receipt of bill??)

~~C. — Yearly discounts~~

~~(1) — If the refuse fee for the entire year (that is for the four calendar quarters for each year) is paid in advance in full on or before February 15 of each such year, there shall be deducted from the face amount of the fee an amount equal to a percentage determined by the Township.~~

~~(2) — The amount of the percentage discount shall be as set forth from time to time by resolution of the Board of Supervisors.~~

~~(3) A discount shall not be taken or applied to any account on which there is an outstanding balance. (Note: I put this section in so that the Board could offer the discount if the interest rates went up and there was a benefit to the Township)~~

~~CD~~. Assistance law discounts.

(1) Any property owner who is responsible for the payment of the aforementioned refuse fee and who meets the requirements of one of the following federal and commonwealth public assistance laws shall be eligible for a deduction of five percent (5%) from the face amount of the refuse fee:

- (a) The Senior Citizens Property Tax or Rent Rebate Act, 72 P.S. § 4751-1 et seq.;
- (b) The Pharmaceutical Assistance Contract for the Elderly Act (PACE), 62 P.S. § 2901 et seq.;
- (c) The Federal Food Stamp Act of 1977, as amended, 7 U.S.C.A. §§ 2011 through 2030;
- (d) The Women's, Infants' and Children's Nutrition Improvement Act, 62 P.S. § 2951 et seq.;
- (e) Aid to Families with Dependent Children, 42 U.S.C. § 601 et seq.; and
- (f) The Public Assistance Law, 62 P.S. § 401 et seq.

(2) A discount shall not be taken nor applied to any account as to which there is an outstanding balance.

§ 194-~~119~~. Penalties, liens & collections.

A. All refuse bills shall be payable on the due date.

B. If the refuse fee is not paid within 45 days of the due date a penalty of 10% shall be added to the total amount of the bill. When the 45th day from the due date falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business on the next business day immediately following the 45th day shall be deemed to have been paid on time and no penalty shall be applied.

C. If the refuse fee plus penalty is not paid within 60 days of the due date, an additional penalty equal to 3/4 of 1% per month, or fraction thereof, shall be added to the unpaid balance until paid.

D. All refuse fees not paid within six months of the month in which bills were mailed shall be deemed to be delinquent.

E. The process for the collection of delinquent refuse fees shall be as set forth from time to time by resolution of the Board of Supervisors.

F. Any costs and/or attorney's fees incurred by the Township for the collection of delinquent refuse fees shall be added to the unpaid refuse fees along with penalties and interest as set forth above, and the aggregate of the same shall be entered as a lien on the property served in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania.

G. The Township shall have the right to cut off collection services from the delinquent premises and not to restore the same until all delinquent fees against the same and the cost of discontinuing and restoring service shall have been paid. (DRM - Not sure we can do this for health reasons??)

H. The aforesaid penalties shall be concurrent with all other remedies, legal and equitable, available to the Township for collection of said refuse fees, including but not limited to municipal lien and assumpsuit remedies.

§ 194-120. Rules and regulations.

A. The collection of municipal waste and recyclable materials by the municipal waste contractor and the preparation of municipal waste and recyclable materials by property owners and residents of the Township shall be made in compliance with the provisions of this chapter and any rules, resolutions and regulations adopted by the Board of Supervisors.

B. ~~Such~~ Rules, resolutions and regulations shall be adopted, amended, modified or repealed from time to time by resolution of the Board of Supervisors ~~and~~ shall have the same force and effect as the provisions of this chapter.

§ 194-131. Enforcement.

A. Unlawful activities; public nuisance. It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this chapter or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Board of Supervisors pursuant to this chapter.

B. Violation of Section 194-6F. Any person who commits a violation of Section 194-6F shall, upon conviction thereof in a summary proceeding brought before the District Justice under the Pennsylvania Rules of Criminal procedure, be guilty of a summary offense and shall be subject to the following penalty:

(1) An amount not less than Twenty-five (\$25.00) Dollars for the first offense in any 365 consecutive day period.

(2) An amount not less than Fifty (\$50.00) Dollars for the second offense if it occurs within the same 365 day period as the first offense; and

(3) An amount not less than One Hundred (\$100.00) Dollars for the third and succeeding offenses if they occur within the same 365 day period as the first and second offense.

C. ~~C.~~ Violations and penalties.

1. Any person who violates or permits the violation of any provision of this chapter, except for a violation of Section 194-6F shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days.

2. Each section of this chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.

~~DE.~~ Injunctions. In addition to any other remedy provided in this chapter, the Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this chapter for an injunction to restrain a violation of this chapter or of any rules, regulations or resolutions promulgated or issued by the Board of Supervisors pursuant to this chapter.

~~ED.~~ Concurrent remedies. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided by this chapter or otherwise provided at law or equity.

§ 194-14~~2~~. Existing contracts.

A. Noninterference with existing contracts. Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract with a municipal waste contractor.

B. New contracts and renewals of existing contracts. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for municipal waste collection, transportation, processing or disposal shall be entered into after the effective date of this chapter, unless such renewal of such contract shall conform to the requirements of this chapter and any rules, regulations or resolutions promulgated by the Board of Supervisors pursuant to this chapter.

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§ 194-13.15 Construction.

The terms and provisions of this chapter are to be liberally construed, so as to best achieve and effectuate the goals and purposes hereof. This chapter shall be construed in pari materia with Act 97 and Act 101, as amended and the rules and regulations adopted there under.

SECTION II. Severability. If any sentence, clause, section or 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 provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION III. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION IV. Effective Date. This Ordinance shall become effective five days after its enactment as law provides.

ENACTED AND ORDAINED this ____ day of _____, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

E. Martin Shane, Chairman

Carmen R. Battavio, Vice Chairman

Thom Clapper, Ph.D., Member

Joseph M. McDonough, Member

Donald R. McConathy, Member

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