

*Washington*

THE TOWNSHIP OF WASHINGTON  
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 73

AN ORDINANCE ESTABLISHING A COMPREHENSIVE  
MANDATORY RECYCLING PROGRAM FOR WASHINGTON TOWNSHIP

STEVENS & JOHNSON  
740 HAMILTON MALL  
ALLENTOWN, PA 18101

TABLE OF CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
I	TITLE, SEVERABILITY, CONSTRUCTION, EFFECTIVE DATE .....	3, 4
II	DEFINITIONS .....	4, 11
III	RECYCLABLE MATERIALS .....	11, 12
IV	GENERAL OPERATION OF PROGRAM AND REQUIREMENTS .....	12, 13
V	RESIDENTIAL ESTABLISHMENTS .....	13, 14
VI	RECYCLING CONTAINERS .....	14, 16
VII	COLLECTION .....	16, 18
VIII	COLLECTION BY UNLICENSED PERSONS .....	18, 19
IX	MULTI-FAMILY HOUSING .....	19, 20
X	COMMERCIAL ACTIVITIES .....	20
XI	COMMERCIAL HAULERS .....	21, 23
XII	REGULATIONS AND ADMINISTRATION BY TOWNSHIP .....	23, 24
XIII	RECYCLING FACILITY PERMITS .....	24
XIV	INCENTIVES, VIOLATIONS, PENALTIES AND ENFORCEMENT .....	24, 26
XV	ENACTMENT .....	26

BOARD OF SUPERVISORS OF  
THE TOWNSHIP OF WASHINGTON,  
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 73

AN ORDINANCE ESTABLISHING A COMPREHENSIVE MANDATORY RECYCLING PROGRAM FOR WASHINGTON TOWNSHIP; SETTING FORTH PROVISIONS FOR A TITLE AND EFFECTIVE DATE; DEFINITIONS; LISTS OF RECYCLABLE MATERIALS; GENERAL OPERATION OF PROGRAM AND REQUIREMENTS; RESIDENTIAL ESTABLISHMENTS; COLLECTION BY TOWNSHIP; TOWNSHIP OWNERSHIP OF RECYCLING CONTAINERS; MULTI-FAMILY HOUSING; COMMERCIAL ACTIVITIES; COMMERCIAL SOLID WASTE HAULERS; REGULATIONS; PUBLIC INFORMATION AND EDUCATION PROGRAM; INCENTIVES, VIOLATIONS, PENALTIES, AND ENFORCEMENT; RECYCLING FACILITY PERMITS, AND ENACTMENT.

WHEREAS, the Act of July 28, 1988, No.101 (53 P.S. Section 4000.101, et seq.) known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and,

WHEREAS, conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment; and,

WHEREAS, the adoption and implementation of recycling will affect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, a Township of the Second Class, Lehigh County, Pennsylvania, as follows:

SECTION I. TITLE, SEVERABILITY, CONSTRUCTION, EFFECTIVE DATE.

A. TITLE. This Ordinance shall be known as the "Washington Township Mandatory Recycling Ordinance".

B. SEVERABILITY. In the event any provision of this Ordinance is declared unconstitutional, unlawful or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but shall continue in full force and effect as though the unconstitutional, unlawful or unenforceable provision had never been a part hereof.

C. CONSTRUCTION.

1. The various headings used throughout this Ordinance are intended only as an aid to its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance.

2. In this Ordinance, unless the context clearly indicates otherwise:

a. The singular shall include the plural;



b. The plural shall include the singular;  
and,

c. The masculine shall include the feminine  
and neuter.

D. REPEALER. All ordinances or parts of ordinances  
inconsistent herewith are hereby repealed only to the extent of  
such inconsistency.

E. EFFECTIVE DATE. Mandatory recycling for all  
residential dwellings in Washington Township shall commence on  
April 1, 1995. The dates, times and duration of leaf waste  
collection shall follow at a time to be determined by the  
Township.

SECTION II. DEFINITIONS. The following words and phrases,  
when appearing in the text of this Ordinance, shall have the  
meaning given to them in this section, unless the context clearly  
indicates otherwise.

A. Aluminum Cans shall mean empty nonaerosol  
containers, consisting entirely of aluminum.

B. Authorized Collector shall mean a person licensed  
and authorized by Washington Township to collect and transport  
recyclables as part of the Recycling Program.

C. Bi-Metallic Containers shall mean empty nonaerosol  
containers consisting of either steel only or steel and aluminum,  
which were used to contain either food or beverage or both.

D. Coated Paper includes any paper which has a shiny or glossy finish or appearance, resulting from treatment of the surface or application of a coating of kaolin, clay or other chemicals. The term includes the advertising inserts which are often intermingled or distributed with newspapers.

E. Commercial Activity shall mean and include all business, commercial, educational, industrial, institutional, or municipal establishments, and community activities, and all multi-family housing of four (4) or more residential dwellings. If any commercial activity occurs in a residential establishment, the entire establishment shall be deemed a commercial activity.

F. Commercial Hauler shall mean any person who is licensed to collect municipal solid waste for remuneration in Washington Township.

G. Corrugated Paper shall mean the fabricated or manufactured structural unbleached paper material with an inner core shaped in rigid parallel furrows and ridges, with one (1) or more outer liners, often consisting of a material known as kraft paper, but shall not include linexboard or paperboard normally used as cereal boxes and similar containers, nor shall it include corrugated cardboard that is soiled or coated with wax, plastic or foam.

H. Curbside shall mean the following location on the adjoining public street or road, and where authorized collectors usually pick up garbage:

1. On or just in back of the curb or curblin at the edge of the cartway, for streets or roads which have curbs.

2. For streets or roads which do not have curbs, within reasonable safe proximity of the paved cartway.

3. As otherwise established by regulation of the Township Board of Supervisors or Recycling Coordinator, where the above locations are not clear or satisfactory.

I. Curbside Recycling Program shall mean the program established by the Township through its licensed commercial haulers to collect Recyclable Materials from the curbside of designated residential establishments within the Township.

J. Designated Recyclables for Curbside Collection shall mean those recyclable materials which must be separated from other municipal waste and placed at the curbside for collection according to the Recycling Regulations established and from time to time revised by the Township.

K. Designated Recyclables for Public Drop-Off Center shall mean those recyclable materials which persons may deposit at one or more public drop-off centers established as part of the Recycling Program according to the Recycling Regulations established and from time to time revised by the Township.

L. Glass Containers shall mean bottles and jars made of clear, green or brown glass. Excluded are plate glass, mirror glass, automotive glass, blue glass and porcelain and ceramic products.

M. High Grade Office Paper shall mean any white paper of the type commonly used for letter writing, stationery, note paper, plain paper for photocopying machines, computer printers and other general-purpose paper; whether or not any printed or written matter is contained thereon. It does not include newspaper, magazines, corrugated paper, or any coated paper.

N. Household Storage or Recycling Containers shall mean the standardized containers issued and or approved for use by Washington Township residents for the purpose of collecting, storing and placing recyclables at the curbside for collection by an authorized collector. These containers are the property of Washington Township and are to remain with the dwelling.

O. Lead Acid Batteries shall include but not be limited to automotive, truck, and industrial batteries that contain lead.

P. Magazines shall mean printed matter on coated paper containing miscellaneous written pieces published at fixed or varying intervals, also known as periodicals, and includes telephone directories. Expressly excluded are newspaper and all other paper products of any nature whatsoever.

Q. Multi-Family Housing shall mean any four (4) or more condominiums, apartments, or other residential dwellings, regardless of the form of ownership, tenancy, or the physical arrangement of the structure, which are owned under a single deed.



R. Municipal Waste shall mean any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, 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 the Pennsylvania Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

S. Newspapers shall mean 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. Expressly excluded are magazines, periodicals and advertising inserts printed on coated paper which are often distributed or intermingled with newspapers.

T. Person shall mean any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this act prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any



corporation or other legal entity having officers and directors.

U. Plastic Beverage Carrier shall mean the plastic rings or similar plastic connectors used as holding devices in the packaging of beverages, including, but not limited to, carbonated beverages, liquors, wines, fruit juices, mineral waters soda and beer.

V. Plastic Containers shall mean plastic containers of all varieties, types, and chemical compositions of plastic.

W. Recyclable Materials shall mean materials identified by the Township from time to time to be recycled, including but not limited to the materials listed in Section 1501 of Act 101.

X. Recycling Facility shall mean a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

Y. Regulations shall mean the rules, regulations, standards, specifications, orders, licenses, permits, interpretations, schedules, zones, routes, and waivers established from time to time by the Township pursuant to the authority of this Ordinance. Such regulations shall be deemed to be a part of this Ordinance and included by reference as if

written herein, upon approval by the Board of Supervisors.

Z. (Reserved.)

AA. Residential Establishment shall mean:

1. A single family dwelling.
2. Each structure containing three (3) or less residential dwellings.
3. Each residential dwelling within any structure containing three (3) or less residential dwellings.

These definitions shall apply regardless of either the form of ownership or tenancy, or the physical arrangement of the structure. If any commercial activity occurs in a residential establishment, the entire establishment shall be deemed to be a commercial activity.

BB. Scavenging shall mean the act or practice of removing, taking, scattering or disturbing recyclable materials which have been collected and assembled in containers, whether stored on private or public property or placed by a roadway or curb for collection.

CC. Source Separate shall mean to separate Recyclable Materials from Municipal Solid Waste for the purpose of recycling.

DD. Township shall mean Washington Township, a Township of the Second Class, located in Lehigh County, Pennsylvania, including the Board of Supervisors, the Township Staff, and others, when duly authorized to act pursuant to this Ordinance.

EE. Waste shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed, whether municipal, residual, or hazardous waste, or otherwise. The term does not include source separated recyclable materials or material approved by the Department for beneficial use.

SECTION III. RECYCLABLE MATERIALS. The following materials are hereby designated as "Recyclable Materials" within Washington Township:

A. Residential. For all residential establishments, including multi-family housing, as defined by this Ordinance:

1. Clear Glass.
2. Brown and Green Glass.
3. Aluminum Cans.
4. Bi-Metallic and Steel Cans.
5. Newspaper.
6. Plastic Containers, of the varieties, types, and chemical compositions as specified by the Township.

B. Commercial. For all other commercial activities, except multi-family housing:

1. Clear Glass.
2. Brown and Green Glass.
3. Aluminum Cans.
4. Bi-Metallic and Steel Cans.

5. Corrugated Paper.
6. High Grade Office Paper.

The Board of Supervisors shall, by resolution, determine which of the above materials are to be collected.

**SECTION IV. GENERAL OPERATION OF PROGRAM AND REQUIREMENTS.**

A. **Recyclable Materials.** Every person in Washington Township shall be required to separate the recyclable materials listed in Section III - Recyclable Materials of this Ordinance, to the extent determined by the Board of Supervisors by Resolution, for the purpose of recycling, from all of the other Municipal Solid Waste and other waste generated by that person. No person may dispose of such Recyclable Materials with any other Municipal Solid Waste or other waste.

B. **Batteries.** Lead-acid batteries shall not be disposed of or included in with any Municipal Solid Waste or Recyclable Materials. Lead-acid batteries shall be disposed only in accordance with Section 1510 of Act 101 (53 P.S. § 4000.1510), and otherwise prevailing Commonwealth law and regulations.

C. **Plastic Beverage Carriers.** Plastic Beverage Carriers which are not degradable shall not be used, as required by Section 1701(c) of Act 101.

D. **Other Waste.** All other Municipal Solid Waste and other waste materials, whether residual, hazardous, or otherwise,



shall be generated, stored, separated, placed, collected, and disposed in accordance with all other applicable Federal, Commonwealth, County, and Township laws, ordinances, rules, regulations, specifications, standards, orders, permits, and licenses.

**SECTION V. RESIDENTIAL ESTABLISHMENTS.** All persons owning, occupying, or operating residential establishments within Washington Township shall comply with the following requirements:

A. **Separation.** Separate the Recyclable Materials designated for collection and maintain the materials in the separated condition until collection by a licensed Commercial Hauler. The separation shall be performed by the time those materials are placed at curbside for collection.

B. **Preparation.** Prepare for recycling all of the Recyclable Materials generated by that person, in accordance with the regulations for each respective material as established by the Township, by the time that those Recyclable Materials are placed for collection, and maintain those materials in that condition.

C. **Recycling Containers.** Place Recyclable Materials in the separate official Township recycling containers or other containers authorized by the Township, in accordance with regulations established by the Township. Each residential establishment shall acquire and use the official Township



recycling container for this purpose.

D. Placement and Time. The approved recycling container shall be placed or set out at curbside, and the empty recycling container shall be removed from curbside, on the scheduled day for collection, in accordance with the times and schedules established by the hauler providing waste collection service to such resident.

SECTION VI. RECYCLING CONTAINERS. Two (2) initial recycling containers shall be provided to each residential establishment, except multi-family housing, which elects to recycle in accordance with Section IX.B. of this Ordinance. The Township shall have the power to require that each recycling container be identified with the residential establishment to which it is assigned.

A. Replacement Fee for Additional Containers. A reasonable replacement fee for each recycling container shall be established, to provide for the replacement of each of the Township's official recycling containers. The amount of the purchase fee may be established or changed from time to time by Resolution of the Township Board of Supervisors, and shall be adequate in amount to reimburse the Township for the cost of purchasing a replacement for any such container.

B. Time of Purchase and Payment. The replacement fee shall be paid to the Township for all official Township recycling

containers which are supplied to residential establishments after April 1, 1995; the fee shall be that which is established from time to time by Resolution.

C. Loss, Theft, or Damage.

1. The owner, occupant, and operator of each residential establishment is responsible for and shall bear the risk of loss, theft, or damage to the official recycling container supplied for the use of that establishment. Returns of the purchase fee may not be made if the container is not returned for any of these reasons, in which event the purchase fee may be retained and used by the Township.

2. If any official recycling container for a residential establishment is either lost, stolen, or damaged, the owner, occupant, or operator shall pay a new purchase fee to the Township for replacement in kind of the official recycling container, as otherwise specified in this section.

3. No person shall damage, take, remove, deface, destroy or use a recycling container issued or approved by Washington Township or the County of Lehigh for any purpose other than for approved storage and collection of recyclable materials. All Recycling Containers issued by Washington Township as part of the Recycling Program are the property of Washington Township.

D. Records by Treasurer. The Township Treasurer or the Treasurer's designee shall establish and maintain records of the persons who have paid purchase fees for the official Township

recycling containers; the address or location of the residential establishment to which the containers were supplied; the amounts and dates that the purchase fees were paid; the date and amount of any subsequent return, loss, theft, damage, or payment of a purchase fee; and such other information that the Treasurer shall determine.

**SECTION VII. COLLECTION.**

A. Curbside Recycling Program. Each Commercial Hauler shall collect all Recyclable Materials which are placed at curbside by each residential establishment, except multi-family housing which elects to recycle in accordance with Section IX.B. of this Ordinance, on at least two (2) occasions per month.

B. Duty to Collect. Each Commercial Hauler shall collect and transport any designated Recyclable Materials which have been properly prepared, separated, and placed at curbside in time for collection on the scheduled collection day. Commercial Haulers shall have no obligation to collect any materials which do not conform to this Ordinance or the supplemental regulations to be adopted.

C. Drop-Off Centers. The Township may operate or designate "drop-off" centers at various locations within the Township for the collection of Recyclable Materials. The Township shall advise residents of the locations, operating hours, recyclable materials accepted, and other details of the

operation of the drop-off centers.

D. Leaf Waste. The Township may collect leaf waste during the fall of each calendar year.

1. During those times of the year specified for collection in the Supplemental Recycling Regulations, all persons who gather leaf waste shall source separate such waste and place it for collection at the times and in the manner specified in the Regulations.

E. Sale and Marketing.

1. Recyclable Materials that are collected shall be recycled by each hauler.

2. Each hauler shall transport, process, sell, market, and dispose of all Recyclable Materials collected by it in any manner that such hauler sees fit, provided that such activities comply with Federal and State law and with the provisions of this Ordinance.

3. Each Commercial Hauler shall establish and keep records and report at least annually to the Township the quantity, price and total amount of Recyclable Materials collected, processed, marketed and sold.

4. Each hauler must provide written documentation that either all recyclable materials are recycled, or that markets for those materials do not exist.



SECTION VIII. COLLECTION BY UNLICENSED PERSONS.

A. Except as set forth in this section, collection of recyclable materials by persons not licensed by Washington Township is strictly prohibited:

B. Nothing in this Ordinance shall prohibit any resident from donating or selling any such resident's own recyclables to any other person, whether operating for a profit or not for profit. Nothing in this Ordinance shall require any person to gather leaf waste nor prevent any person from utilizing leaf waste for composting mulch, or other agricultural, horticultural, silvicultural, gardening or landscaping purpose.

C. No person other than an Authorized Collector shall scavenge, remove, take, scatter or disturb recyclable materials which have (i) been collected or assembled in recycling containers, whether stored on public or private property; or (ii) been placed at the curbside for collection pursuant to the curbside collection program; or (iii) been deposited at a drop-off center established pursuant to this Ordinance or subsequent regulations issued hereunder.

D. Unlawful "scavenging" shall not include the collection or assemblage of scattered trash and debris, whether or not recyclable, from roadsides or public property with the intent of properly disposing of or recycling such trash and debris.



SECTION IX. MULTI-FAMILY HOUSING. All multi-family housing, as defined in this Ordinance, shall recycle all Recyclable Materials generated by either of the two (2) following methods:

A. Contract. Each residential unit or household within a multi-family housing complex by contracting with a Commercial Hauler or otherwise providing for the recycling, as defined by Act 101, of all of the Recyclable Materials generated within that unit, in accordance with this Ordinance.

B. On-Site System. Multi-family rental housing properties may establish a collection system for Recyclable Materials at each property, as required by Section 1501(c)(1)(ii) of Act 101, which collection system shall consist of the following components as a minimum:

1. Suitable containers for collecting and sorting materials.
2. Easily accessible locations for the containers.
3. Written instructions to the occupants concerning the use and availability of the collection system.

The Township may establish regulations defining compliance with these requirements.

Owners, landlords, and agents of owners and landlords, who comply with this subsection shall not be liable for the noncompliance of the occupants of their buildings.

**SECTION X. COMMERCIAL ACTIVITIES.**

A. Recycling. Every person owning, occupying, or operating a commercial activity, as defined by this Ordinance, within the Township shall comply with this Ordinance by separating and storing in an enclosed building or closed container, or as otherwise approved by Township, until collection for recycling, by contract with a Commercial Hauler or otherwise, all of the Recyclable Materials designated in Section III. B of this Ordinance which are generated by that commercial activity.

B. Compliance With Hauler Regulations. If a Commercial Solid Waste Hauler is contracted, engaged, or hired for recycling, then the commercial activity shall comply with all regulations of the Commercial Hauler for Recyclable Materials with regard to the following:

1. Separation.
2. Preparation.
3. Storage and placement in containers.
4. Placement for pickup.
5. Timing of placement and pickup.

SECTION XI. COMMERCIAL HAULERS. Any commercial hauler contracted, engaged, or hired for the collection of municipal solid waste in the Township shall comply with the following requirements:

A. Licensing. Every commercial hauler shall be licensed by Washington Township and shall not collect municipal solid waste in the Township unless and until a hauler's license is secured. Such license shall be summarily revocable by the Township for failure by the commercial hauler to comply with the terms of this Ordinance.

B. Compliance With Laws. Every commercial hauler shall comply with this Ordinance, Act 101, and all other applicable laws and regulations.

C. Separation. Every commercial hauler shall keep the several types of Recyclable Materials which are designated for collection and collected separate from each other, unless the hauler can demonstrate in writing that a market exists for the commingled Recyclable Materials.

D. Recycling. Every commercial hauler shall either:

1. Process and recycle all of the Recyclable Materials;
2. Transport, process, market, sell, or deliver all of the Recyclable Materials to dealers in those materials, and document such delivery in writing; or,

3. Provide written proof that markets for those materials do not exist.

E. Recycling Program. Effective April 1, 1995, each commercial hauler collecting municipal solid waste in the Township shall commence the collection of Recyclable Materials in strict accordance with the provisions of this Ordinance and any accompanying regulations. Collection shall be pursuant to such rules and regulations as the commercial hauler shall reasonably prescribe. Each commercial hauler shall provide copies of any such rules and regulations, together with its pick-up schedules, to the Township for approval by the Township prior to implementation.

F. Annual Reports. Every commercial hauler shall submit annual reports to the Township. Reports shall be submitted within two (2) months of the end of each year. Each report shall state for that reporting period:

1. The quantity in tons of each Recyclable Material collected by that hauler in the Township;

2. The total quantity in tons of all garbage, trash, and refuse collected by that hauler in the Township; and,

3. To whom or where and how each Recyclable Material was sold or delivered for processing or recycling.

G. Reporting Non-Compliance. Every commercial hauler shall report to the Township all instances of apparent non-compliance, with either this Ordinance or Township regulations,



within seventy-two (72) hours of becoming aware of such non-compliance.

**SECTION XII. REGULATIONS AND ADMINISTRATION BY TOWNSHIP.**

A. Regulations. The Township Board of Supervisors may, from time to time, establish regulations for the following parts of the Township's Recycling Program (or otherwise), as the Board shall deem appropriate, which regulations shall become effective five (5) days after adoption:

1. Plastic Containers - varieties, types, and chemical compositions to be collected by recycling, both in the Township's curbside recycling program and at any drop-off centers, or otherwise disposed in Municipal Solid Waste.

2. Preparation of Recyclable Materials for recycling.

3. Separating, placing or combining Recyclable Materials in the official Township recycling bins.

4. Exact locations for curbside pickup, where those locations are not established or are otherwise unsatisfactory.

5. Times to set out and bring in the official Township recycling bins.



6. Drop-off center locations, operating hours, materials accepted, and other details.

B. Enforcement. Upon adoption, such regulations shall be enforced pursuant to Section XIV hereunder, and violations of such regulations shall be deemed a violation of this Ordinance.

SECTION XIII. RECYCLING FACILITY PERMITS. Any person seeking to establish a recycling facility within the boundaries of the Township must first obtain all necessary approvals in accordance with the terms and conditions of the Township Zoning Ordinance, as subsequently amended from time to time.

SECTION XIV. INCENTIVES, VIOLATIONS, PENALTIES AND ENFORCEMENT. The Township Board of Supervisors or their designee shall be responsible for monitoring and enforcing compliance with this Ordinance and regulations.

A. Civil Liability Before District Justice. Any commercial activity, as defined by this Ordinance; or Commercial Hauler; or any owner, occupant, or operator of a residential establishment who violates or assists in the violation of any provision of this Ordinance, shall be subject to the following civil penalties, payable to the Township, upon a finding of liability therefor by the District Justice:

1. First Action. For the first action before the District Justice within the last year, a civil penalty of not more than Three Hundred Dollars (\$300.00) and costs, including reasonable attorney's fees.

2. Subsequent Actions. For any action before the District Justice within one (1) year subsequent to a previous finding by the District Justice of civil liability by the same person for any violation of this Ordinance, a civil penalty of not more than One Thousand Dollars (\$1,000.00) and costs, including reasonable attorney's fees.

3. Each day that a violation of this Ordinance continues shall be deemed to be a separate violation. Each violation shall be deemed to be a separate violation.

B. Incentives.

1. The Township Board of Supervisors or their designee shall have the power to establish incentives to promote compliance with this Ordinance, as may be appropriate from time to time.

2. Procurement Options. The Township may utilize the provisions of Act 101's Section 1507 - Procurement Procedures for Local Public Agencies, and Section 1508 - Procurement Options for Local Public Agencies and Certain Commonwealth Agencies, if the Township elects to do so.

SECTION XV. ENACTMENT. ORDAINED AND ENACTED this  
day of February 14 , 1995, by the Board of Supervisors of  
Washington Township, in lawful session duly assembled.

BOARD OF SUPERVISORS  
TOWNSHIP OF WASHINGTON

Roy O. Dengler  
ROY O. DENGLER

Dale M. Rex  
DALE M. REX

George E. Beam  
GEORGE E. BEAM

ATTEST:

Dianne B. Frantz  
DIANNE B. FRANTZ  
Township Secretary