

AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA REGULATING THE DISPOSAL OF YARD WASTE WITHIN THE TOWNSHIP; SETTING PROCEDURES FOR REDUCTION IN WASTE AND REMEDIATION; PROVIDING FOR LIABILITY OF PROPERTY OWNERS; AND SETTING CIVIL AND CRIMINAL PENALTIES.

ORDINANCE NO. 11 – 1 – 21

**MUNICIPALITY OF
EXETER TOWNSHIP**

LUZERNE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

November 1, 2021

EXETER TOWNSHIP
Luzerne County, Pennsylvania

ORDINANCE No. 11-1-21

AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA REGULATING THE DISPOSAL OF YARD WASTE WITHIN THE TOWNSHIP; SETTING PROCEDURES FOR REDUCTION IN WASTE AND REMEDIATION; PROVIDING FOR LIABILITY OF PROPERTY OWNERS; AND SETTING CIVIL AND CRIMINAL PENALTIES.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Exeter, County of Luzerne, and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. The Board of Supervisors of Exeter Township finds that (1) it is necessary to regulate the disposal of grass clippings, leaves and other yard waste within the Township to provide for the uniformity and fairness of disposal and retrieval throughout the Township; and (2) the deposit and accumulation of grass clippings, leaves and other yard waste upon and into the streets of the Township have and will create a public problem by increasing the amount of waste and debris in the streets, making the Township less visually attractive, and increasing pollution and run-off into the Township's storm drains; (3) portions of run-off and debris in the streets results from persons intentionally dumping or placing grass clippings, leaves and other yard waste in the Township streets; (4) some persons have taken advantage of the Township's collection of yard waste by placing an inordinate amount of yard waste outside for retrieval; and (5) a new ordinance is required to remediate the problems identified herein.

Section 2. All organic yard waste must be placed curbside by 6:30 a.m. on Mondays, except on holidays observed by Exeter Township and its Department of Public Works (DPW) and be in compliance with proper preparation methods.

Section 3. All brush and branches must be tied into bundles no more than 4 feet in length and 2 feet in diameter. Bundles must weigh less than 40 pounds. Individual branches may not exceed 4 inches in diameter. Christmas trees will be accepted as is (to a maximum of 9 feet), but must not be placed in plastic bags. No tree or brush roots will be accepted. Limit: 6 bundles per pick up. Bundles must be tied with manila rope or jute twine only due to biodegradability. No other rope or twine may be used.

Section 4. Only biodegradable paper or plastic lawn and leaf bags may be used for pick-up of yard waste on Mondays. Acceptable wastes to be put in bags include vines, small branches, twigs, leaves, pine needles, hedge trimmings, apples, grass, weeds, pine cones and garden plants. Limits: 30 gallon lawn/leaf bags; not to exceed 40 pounds. No dirt, stone, grass edgings, wood chips, or stump/root grindings are acceptable for Township collection. No lumber or fencing of any type will be accepted.

Section 5. Grass may be put out in approved yard waste bags. Lawnmower-cut grass only may be placed out for collection in trash cans from the 3rd Monday in March to the last Monday in October, weather permitting. No other materials, including any other organic yard waste listed above, may be mixed with the grass. Trash cans must have holes in the bottom and weigh less than 40 pounds per can.

Section 6. All listed items above will be picked-up on Mondays only. These guidelines have been implemented to allow the DPW to perform additional duties and work on other projects during the remainder of the work week.

Section 7. It shall be unlawful for any person to knowingly cause grass clippings, leaves, or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads of the Township of Exeter. A property owner is responsible to ensure that any persons hired to cut their grass or maintain their yard abide by this ordinance. Any grass or waste which inadvertently is caused to enter the streets or roadways of the Township shall be promptly removed, as there is no "grace period" within which to remove grass, leaves, or other yard waste.

Section 8. This ordinance may be enforced by the Exeter Township Police Department (or subsequent regional police department) or the DPW. A violation of this ordinance shall initially be sanctioned by the civil penalty method set forth in Section 9. The enforcing officer or Township agent will use common sense and discretion in the enforcement of this ordinance and shall consider means other than the issuance of a summons where appropriate. No summons may be based upon hearsay. There shall be a presumption that grass clippings, leaves or yard waste immediately adjacent to a property were caused to be placed there by the property owner. This is a rebuttable presumption.

Section 9. CIVIL PENALTY: A violation of this Ordinance shall constitute a civil penalty punishable by a fine of One Hundred (\$100.00) Dollars. A summons, similar in form to a parking summons, shall be tendered by the officer or Township agent to the responsible party. The summons shall be paid at the Township Business Office located in the Exeter Township Municipal Building within seventy-two (72) hours from the date of issuance.

Section 10. CRIMINAL PENALTY: Any person who fails to pay a civil penalty set under Section 9 above within thirty (30) days commits a summary offense and shall be issued a citation to appear in Magisterial District Court. Any person violating this Section shall be fined not less than Three Hundred (\$300.00) Dollars and not more than One Thousand (\$1,000.00) Dollars plus costs; and in default thereof, shall be penalized and sentenced as allowed by law for the punishment of a summary offense. Upon conviction, a Defendant shall be fined according to this Section and applicable state law, which may include a period of incarceration ordered by the Magisterial District Judge.

Section 11. This Ordinance shall be enforced by the Exeter Township Police Department or DPW having jurisdiction in the Township of Exeter.

Section 12. Any ordinance or resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

Section 13. The provisions of this Ordinance shall be severable. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, and/or invalid, such unconstitutionality, illegality, and/or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, and/or parts of this Ordinance.

Section 14. This Ordinance shall become effective on the fifth (5th) day following enactment.

DULY ORDAINED AND ENACTED this 1 day of November 2021, by the Board of Supervisors in lawful session duly assembled.

TOWNSHIP OF EXETER

By: Nancy Redmond
NANCY REDMOND, Chairperson
Board of Supervisors

ATTEST:

Mary Frances Martin
MARY FRANCES MARTIN, Secretary