

**AN ORDINANCE**

**NO. 4173**

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter A167, Fees, To Apply The Existing Fee Schedule To Larger Garbage And Refuse Containers; And To Amend Chapter 82, Garbage and Refuse To Clarify What Qualifies As A Container.**

The Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter A167, Fees, §A167-1, Schedule of Fees, as such fees pertain to Chapter 82, Garbage and Refuse, shall be amended to provide as follows:

**Chapter A167, Fees**

§ A167-1. Schedule of fees.

The following schedule consists of a compilation and consolidation of provisions pertaining to fees for the various applications, licenses and permits required or provided for under Township ordinances, rules and regulations as included in this Code. This schedule was approved and adopted by the Board of Commissioners at the time of adoption of this Code (9-21-1977 by Ord. No. 1802) and continues in effect the fee provisions existing at that time in the various ordinances of the Township. Specific regulations, application procedures and requirements, conditions and approval provisions with respect to which each fee is required may be found in the pertinent chapter of this Code referred to below.

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**TOWNSHIP SCHEDULE OF FEES**

	<b>Fees</b>
<b>Chapter 82, Garbage and Refuse</b>	
Annual solid waste fee for a container up to 21 gallons	\$237
Annual solid waste fee for a container of 21 to 48 gallons	\$338
Fee for each additional container up to 48 gallons	\$67
Surcharge for each 48-gallon increment or portion thereof above the base container size	\$67
Rear yard collection (if elected)	\$231

**Section 2.** The Code of the Township of Lower Merion, Chapter 82, thereof, entitled Garbage and Refuse, §82-13.1, Municipal Waste Collection and Disposal Services, subsections H and K thereof, shall be amended to provide as follows:

**Chapter 82, Garbage and Refuse**

\* \* \* \* \*

**§ 82-13.1, Municipal Waste Collection and Disposal Services**

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**H. Containers.**

- (1) All nonrecyclable municipal waste collected by the Township shall be placed in containers provided by and at the expense of the owner or occupant where municipal waste is generated. The containers shall be durable, watertight and made of galvanized metal or plastic. They shall have tightly fitting covers that remain in use, be maintained in good condition and be kept as sanitary as possible in a manner consistent with their use. The containers shall be of a tapered design with the top being wider than the bottom. They shall have a capacity of not more than 48 gallons and shall not exceed 50 pounds when full.

\* \* \* \* \*

- (6) All other municipal waste shall be placed for collection in containers sized as follows and subject to the following weight limits:
  - (a) A single container having a twenty-gallon capacity or less with a weight limit of 25 pounds; or
  - (b) One or more containers having a forty-eight-gallon capacity or less with a weight limit of 50 pounds; and/or
  - (c) One or more containers each having a capacity of more than 48 gallons; each increment of 48 gallons counts as one additional container. Municipal waste placed for collection in a container having a capacity greater than 48 gallons shall be placed in individual tightly sealed plastic refuse bags within each container, each refuse bag weighing no more than 50 pounds.

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**K. Fees imposed for the collection and disposal of solid waste.**

\* \* \* \* \*

- (9) Senior rebate program. Persons 65 years of age or older as of January 1 of the current year who have subscribed for solid waste collection service from the Township for one or more containers with a capacity of up to 48 gallons, who are solely responsible under this subsection for payment of a solid waste fee for a property which they occupy as their principal residence and whose prior year's annual household income would qualify them to participate in the Pharmaceutical Assistance Contract for the Elderly (PACE) or the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET)

programs sponsored by the Commonwealth of Pennsylvania may, on or before September 30 of the current year, apply for a rebate with respect to that payment equal to 15% of the undiscounted one-can rate. The rebate will first be applied to any prior year solid waste fee, including interest, penalty and costs, then due and owing, and the balance, if any, will then be remitted to the applicant.

**Section 3.** Nothing in this ordinance or in Chapter A167 or Chapter 82 of the Code of the Township of Lower Merion, 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 A167 or Chapter 82 prior to the adoption of this amendment.

**Section 4.** 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 5.** This Ordinance shall take effect and be in force on and after January 1, 2020.

Approved by the Board this 13th day of November, 2019.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

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Daniel S. Bernheim, President

ATTEST:

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Jody L. Kelley, Secretary