

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 217

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A PERMIT REQUIREMENT FOR USE OF AN ORGANIC RECYCLING FACILITY; ESTABLISHING RULES AND REGULATIONS FOR USE OF THE ORGANIC RECYCLING FACILITY; ESTABLISHING PENALTIES FOR THE VIOLATION OF SUCH RULES AND REGULATIONS; AND CONTAINING REPEALER, SEVERABILITY AND EFFECTIVE DATE PROVISIONS.

WHEREAS, the Rush Township Board of Supervisors have established an organic recycling facility (containing a machine called a tub grinder, DEP APS ID#1117047, AUTH ID# 1490876) at 54 Progress Avenue, Tamaqua, PA 18252 (parcel number 25-08-0015.005) (hereinafter the "Subject Property") for the purpose of receiving certain items or materials from residents/property owners of Rush Township for recycling; and

WHEREAS, the Rush Township Board of Supervisors desire to establish rules and regulations for use of the organic recycling facility, and to establish penalties for persons using or attempting to use the organic recycling facility in violation of said rules and regulations; and

WHEREAS, pursuant to the power granted the Rush Township Board of Supervisors by to Section 1506 of the Second-Class Township Code, 53 P.S. Section 66506;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Permit Required.

No person shall drop-off or deposit any items or materials at the organic recycling center on the Subject Property without having applied for and having been issued a Permit by Rush Township. Application/registration for a Permit can be made on a form devised by Rush Township from time to time. There shall be a fee charged for initial application/registration for a Permit, and for renewals thereof. The fee shall be stated in the Rules and Regulations described in Section 2 of this Ordinance, and is amendable from time to time by Resolution.

Section 2. Rules and Regulations.

Rush Township may, from time to time, establish Rules and Regulations governing use of the organic recycling facility on the Subject Property via Resolution. No person shall drop-off or deposit any items or materials at the organic recycling center on the Subject Property in violation of the said Rules and Regulations.

Section 3. Enforcement

A. Enforcement of this Ordinance may be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c). Any person found to be in violation of any part or provision of this Ordinance, upon conviction, shall pay a fine of no less than \$100 nor more than \$1,000, plus costs, and/or may be sentenced to a term of imprisonment either for a violation of any part or provision of this Ordinance or for failure to pay a fine or costs for a term not to exceed 90 days.

B. Enforcement of this Ordinance may be by action in equity in the Court of Common Pleas of Schuylkill County.

C. Each day on which a violation is found to exist, or each part or provision of this Ordinance which is found to have been violated, shall be a separate offense.

D. Any person judicially determined to be in violation of this Ordinance is subject to having his/her Permit required by Section 1 of this Ordinance permanently or temporarily revoked in the discretion of Rush Township.

E. Any person causing damage to the organic recycling facility (or tub grinder) as a result of a violation of this Ordinance may be pursued by Rush Township for civil damages.

Section 4. Repealer.

All Ordinances or parts thereof which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 5. Severability.

If any part or provision of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by the Rush Township Board of Supervisors without the part or provision found illegal or unenforceable.

Section 6. Effective Date.

This Ordinance shall be effective 5 days after adoption.

ADOPTED AND ORDAINED this 26th day of September, 2024.

ATTEST

RUSH TOWNSHIP BOARD OF SUPERVISORS








