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Effec. 10/24

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 2010 - 10

AN ORDINANCE AMENDING CHAPTERS 185, BRUSH, GRASS AND DEBRIS; 206, UNFIT BUILDINGS; 235, UNIFORM CONSTRUCTION CODE; 400, LAND DEVELOPMENT; 432, MERCANTILE LICENSES; 500, PROPERTY MAINTENANCE; 570, SOLID WASTE, TO UPDATE THE FEES RELATED TO EACH CHAPTER

WHEREAS, the Township Council of the Township of Lower ("Township Council") desires to amend Section 5 of Chapter 185 of the Code of the Township of Lower ("Code") to update the Fees associated with Brush, Grass and Debris; and

WHEREAS, the Township Council desires to amend Section 8 of Chapter 206 of the Code to update the Fees associated with Unfit Buildings; and

WHEREAS, the Township Council desires to amend Section 4 of Chapter 235 of the Code to update the Fees and Surcharge Fees associated with the Uniform Construction Code; and

WHEREAS, the Township Council desires to amend Section 80 of Chapter 400 of the Code to update the Fees associated with Land Development; and

WHEREAS, the Township Council desires to amend Section 4 of Chapter 432 of the Code to update the Fees associated with Mercantile Licenses; and

WHEREAS, the Township Council desires to amend Section 2 of Chapter 500 of the Code to update the Fees associated with Property Maintenance; and

WHEREAS, the Township Council desires to amend Chapter 570 of the Code to update the Commercial Trash Rates and Schedules.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower in the County of Cape May and the State of New Jersey as follows:

Section 1. Section 185-5 of the Code, entitled "Creation of Lien" which sets forth when costs shall become a lien associated with Brush, Grass and Debris is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 185-5 Creation of Lien.

In all cases where brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and/or debris are destroyed or removed from any lands under the terms of this chapter by or under the direction of the enforcement official, the enforcement official shall certify the cost thereof to the Township Council, which shall examine, certify and if found correct shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officials and in the same manner as taxes. An Administrative Lien Fee in the amount of \$500 shall be imposed in conjunction with the creation of a lien.

Section 2. Section 206-8 of the Code, entitled "Costs to be Lien" which sets forth when costs shall become a lien associated with Unfit Buildings is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 206-8 Costs to be Lien.

The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this chapter determined in favor of the Township, and such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. An Administrative Lien Fee in the amount of \$500 shall be imposed in conjunction with the creation of a lien. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Township Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within 60 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

Section 3. Section 235-4 of the Code, entitled "Fees; surcharge fees" which sets forth fees and surcharge fees associated with the Uniform Construction Code is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 235-4 Fees; surcharge fees.

A. The fee for a construction permit shall be the sum of the subcode fees listed in Subsection A(1) through (3) hereof and shall be paid before the permit is issued.

- (1) The building subcode fee shall be:
 - (a) For new construction: ~~\$0.23~~ \$0.34 per cubic foot of building or structure volume; provided that the minimum fee shall be ~~\$35~~ \$50 for one- and two-family dwellings. For all other uses the minimum fee shall be ~~\$50~~ \$65.
 - (b) For renovations, alterations, repairs or any other construction which cannot be computed in cubic feet the fee shall be ~~\$20~~ \$30 per \$1,000 of estimated labor and material cost for one- and two-family dwellings; provided that the minimum fee shall be ~~\$35~~ \$50. For all other uses the fee shall be \$25 per \$1,000 of estimated cost for labor and material, with a minimum fee of ~~\$50~~ \$75.
 - (c) For additions: ~~\$0.23~~ \$0.34 per cubic foot of added building or structure volume; provided that the minimum fee shall be ~~\$35~~ \$50 for one- and two-family dwellings. For all other uses the minimum fee shall be ~~\$50~~ \$75.
 - (d) For combinations of renovations and additions: the sum of the fees computed separately as renovations and additions.
 - (e) The fee for reroofing and re-siding work done on one- and two-family dwellings: ~~\$40~~ \$58. The fee for similar work on any other structure shall be

~~\$20~~ \$30 per \$1,000 of estimated labor and material cost, with a minimum fee of ~~\$75~~ \$100.

- (f) Temporary structures and all structures for which volume cannot be computed, such as fences over six feet, shall be charged a fee of \$150. The fee for swimming pools shall be, for in-ground pools: ~~\$150~~ \$189; for aboveground pools, spas and hot tubs less than 18 feet in the greatest dimension: the fee shall be ~~\$50~~ \$95; for aboveground pools, spas and hot tubs 18 feet or larger: the fee shall be ~~\$75~~ \$126. The fee for fences to enclose swimming pools, hot tubs, spas, etc.: the fee shall be ~~\$20~~ \$30 per estimated labor and material costs, with a minimum fee of ~~\$30~~ \$45.
 - (g) The fee for asbestos abatement shall be ~~\$75~~ \$100.
 - (h) The fee for lead hazard abatement shall be ~~\$125~~ \$176.
 - (i) The fee for demolition or removal of one- and two-family dwellings shall be \$100, all other structures shall be \$200, except that garages and sheds associated with residential dwellings shall be ~~\$25~~ \$50. Partial demolition shall be charged at the rate of ~~\$20~~ \$30 per \$1,000 of estimated cost.
 - (j) The fee for a permit to construct a sign shall be ~~\$2~~ \$5 per square foot of surface area of the sign, provided that the minimum fee shall be ~~\$25~~ \$58. In the case of double-faced signs, the area of one side shall be used to compute the fee.
 - (k) The fee for the construction of a retaining wall associated with a Class Three one- or two-family dwelling shall be ~~\$100~~ \$189 for a wall with a surface area greater than 550 square feet and ~~\$60~~ \$95 for a retaining wall with a surface area of less than 550 square feet. Retaining walls for all other uses shall be ~~\$25~~ \$35 per \$1,000 of estimated labor and material costs, with a minimum fee of \$200.
 - (l) The fee for tents and tensioned membrane structures shall be \$250, said fee to be required only in the event that the tent or tensioned membrane structure is: (i) greater than 140 feet in any direction, (ii) greater than 16,800 square feet, (iii) utilizing a permanent anchoring system, (iv) in place for more than 180 days, (v) used or occupied between December 1 and March 31, or (vi) utilizing platforms or bleachers more than 11 feet in height.
- (2) The plumbing subcode fee shall be:
- (a) The fee per fixture connected to the plumbing system for a one- and two-family dwelling shall be ~~\$10~~ \$13, with the minimum fee of ~~\$40~~ \$50. The fee for all other use groups shall be ~~\$45~~ \$25, except for special devices.
 - (b) The following special devices shall be charged at the rate of \$17 per fixture: urinals, group showers per head, drinking fountains, ice machines, dental cuspidors, domestic hot-water heaters, each device connected to a propane, natural gas or oil piping system, propane tanks, provided that the minimum fee shall be ~~\$40~~ \$45.
 - (c) The following special devices shall be charged at the rate of ~~\$65~~ \$82 per device: grease traps, sand traps, oil separators, refrigeration units, utility service connections, backflow preventers, steam boilers and hot-water

boilers associated with home heating for one- and two-family dwellings, active solar systems in one- and two-family dwellings, sewer pumps and interceptors. Utility service connections associated with one- and two-family dwellings shall be ~~\$40~~ \$82.

- (d) The following special devices shall be charged at the rate of ~~\$70~~ \$82 per device: commercial food grinders, commercial dishwashers, water-cooled air-conditioning units, steam and hot-water boilers in other than one- and two-family dwellings, active solar systems in other than one- and two-family dwellings.

(3) The electrical subcode fee shall be:

- (a) The fee for electrical fixtures or devices shall be: ~~\$40~~ \$45 for the first 50 devices, ~~\$6~~ \$8 for each additional 25 devices. For the purpose of computing this fee, fixtures or devices shall include lighting fixtures, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light standards eight feet or less in height, including luminaries, emergency lights, exit signs, signs or similar fixtures and devices rated at 20 amperes or less, including motors or equipment rated at less than one horsepower or one kilowatt. In each case the minimum fee shall be ~~\$40~~ \$45.
- (b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; transformers and generators greater than one kilowatt and less than or equal to 10 kilowatts; each replacement of branch wiring involving one branch circuit or part thereof; each storable pool or hydromassage bath tub; each underwater lighting fixture; household electric cooking equipment rated up to 16 kilowatts; each fire, security or burglar alarm control unit; receptacle rated at 30 amperes to 50 amperes; each light standard greater than eight feet in height, including luminaries; and for each communication closet the fee shall be ~~\$12~~ \$15. In each case the minimum fee shall be ~~\$40~~ \$45.
- (c) For each motor or electrical device rated between 10 horsepower and 50 horsepower or between 10 kilowatts and 50 kilowatts; for each service equipment, service entrance, subpanel, panel board, switch board, switch gear, motor control center, or disconnecting means rated less than or equal to 200 amperes; and for all transformers and generators rated between 10 kilowatts and 45 kilowatts or between 10 kilo volt amperes and 45 kilo volt amperes; for each electric sign rated between 20 amperes and 225 amperes, including associated disconnecting means; for each receptacle rated greater than 50 amperes and for each utility load management device the fee shall be ~~\$46~~ \$58.
- (d) For each motor or electrical device rated between 50 horsepower and 100 horsepower or between 50 kilowatts and 100 kilowatts; for each service panel, service entrance, subpanel, panel board, switch board, switch gear, motor control center or disconnecting means rated between 225 amperes and 1,000 amperes; and for all transformers and generators rated between 45 kilowatts and 112.5 kilowatts or between 45 kilo volt amperes and 112.5 kilo volt amperes the fee shall be ~~\$92~~ \$116.
- (e) For each motor or electrical device rated greater than 100 horsepower or 100 kilowatts; for each service panel, service entrance, subpanel, panel

board, switch board, switch gear, motor control center or disconnecting means rate greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kilowatts or 112.5 kilo volt amperes the fee shall be ~~\$457~~ \$576.

(f) The fee for aboveground pools less than 18 feet in the greatest dimension shall be ~~\$35~~ \$69. For pools 18 feet and larger, the fee shall be ~~\$50~~ \$69; for in-ground pools, the fee shall be \$75. The fee to recertify swimming pool bonding shall be \$50.

(g) (Reserved)

(h) In each case, the minimum fee shall be ~~\$35~~ \$50 for one- and two-family dwellings; for all other uses the minimum fee shall be ~~\$50~~ \$65.

(i) For photovoltaic systems, the fee shall be:

[1] For systems rated 1 to 50 kw: ~~\$46~~ \$58.

[2] For systems rated 51 to 100 kw: ~~\$92~~ \$116.

[3] All systems over 100 kw: ~~\$457~~ \$576.

(4) The fire suppression fee shall be:

(a) Sprinkler system:

Number of Heads	Fee
1 to 20	\$65 <u>\$82</u>
21 to 100	\$140 <u>\$151</u>
101 to 200	\$290
201 to 400	\$594 <u>\$748</u>
401 to 1,000	\$950 <u>\$1036</u>
Over 1,000	\$1,550

(b) Total flooding systems: ~~The fee shall be \$25 per \$1,000 of estimated costs for labor materials for the system construction, with a minimum fee of \$100.~~
The Fee shall be \$116.

- (c) Range hood suppression system: ~~The fee shall be \$25 per \$1,000 of estimated costs of construction, with a minimum fee of \$100. The Fee shall be \$116.~~
 - (d) Stand pipe installations: The fee for each standpipe shall be ~~\$229~~ \$289.
 - (e) Fire pumps: The fee shall be \$150 for each pump.
 - (f) Automatic fire detection system: The fee for the first 12 smoke/heat detectors shall be \$60. The fee for each additional unit shall be \$2 per unit. The flat fee for single- and multiple-station smoke/heat detectors and fire alarm systems in one- and two-family dwellings shall be \$40.
 - (g) Manual fire alarm systems: The rate shall be \$50 per zone up to four zones. All additional zones over four shall be computed at \$15 per zone, with a minimum fee of \$50.
 - (h) Smoke removal and/or smoke control systems: The fee shall be \$20 per \$1,000 of estimated costs for labor and materials for the system up to \$50,000. Over \$50,000 estimated costs, the fee shall be \$15 per \$1,000 of estimated costs for labor and materials. The minimum fee shall be \$250.
 - (i) Fireplaces, wood burning stoves and solid-fuel-burning appliances: There shall be a flat fee of \$40 for one- and two-family dwellings. For all other uses the fee shall be \$25 per \$1,000 of estimated costs for labor and materials, with a minimum fee of \$50.
 - ~~(j) Gas and oil-fired appliances, kitchen exhaust systems: The fee shall be \$20 per \$1,000 of estimated costs for labor and material for the unit exclusive of plumbing, electric, ductwork and flue, for one- and two-family dwellings, with a minimum fee of \$45. For all other uses the fee shall be \$25 per \$1,000 of estimated costs for labor and materials for the unit exclusive of plumbing, electric, ductwork and flue, with a minimum fee of \$100. The fee for a kitchen exhaust hood system shall be \$25 per \$1,000 of estimated costs for labor and materials for the system, with a minimum fee of \$100.~~
 - (j) Gas and oil-fired appliances that are not connected to the plumbing system shall be \$45 \$58.
 - (k) Kitchen exhaust systems: The fee shall be \$25 per \$1,000 of estimated costs for labor and materials for the unit exclusive of plumbing, electric, ductwork and flue, with a minimum fee of \$100.
 - ~~(l)~~ (l) Installation and removal of flammable and combustible liquid storage tanks: The fee shall be \$20 per \$1,000 of estimated costs for the installation or removal of tanks. The minimum fee shall be \$50 for one- and two-family dwellings, and \$100 for all other uses.
 - ~~(m)~~ (m) Crematoriums and incinerators: The fee shall be ~~\$365~~ \$460 for each crematorium or incinerator.
- (5) The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit, if issued.

- (6) The fee for a certificate of occupancy shall be 10% of the cost of the total permit, with a minimum of ~~\$20~~ \$35. The fee for the first issuance and renewal of a temporary certificate of occupancy shall be ~~\$20~~ \$35. There shall be no fee for the first issuance of a temporary certificate of occupancy, provided that the fee for the certificate of occupancy is prepaid.
- (7) The fee for a continued certificate of occupancy shall be ~~\$420~~ \$151.
- (8) The fee for a certificate of occupancy pursuant to a change of use shall be ~~\$420~~ \$151.
- (9) The fee for a certificate of occupancy for a building with multiple units shall be 10% of the cost of the total permit, with a minimum of ~~\$20~~ \$45 per unit.
- (10) The fee for installation and inspection of an elevator shall be the permit fee and percentage as agreed to in a third-party contract in accordance with Subchapter 12 of the Uniform Construction Code.
- (11) The fee for an application for a variation shall be \$200, and the fee for any resubmission shall be ~~\$50~~ \$82.

Section 4. Section 400-80 A. of the Code, entitled "Fees" which sets forth fees associated with Land Development is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 400-80 A. Fees.

A. Every application for development, site plan review or variance shall be accompanied by cash or certified check made payable to the Township of Lower in accordance with the following schedule:

1. Subdivisions.

Type	Application Charge	Escrow Account
Sketch plat	\$100 <u>150</u>	\$200
Preliminary plat	\$400 <u>150</u> + \$400 <u>150</u> per lot	\$80 per lot up to 10 lots; \$40 each lot in excess of 10
Final plat	\$500 <u>750</u>	\$30 per lot
Minor subdivision	\$300 <u>450</u> + \$400 <u>150</u> per each newly described lot	\$250 for first newly described lot; \$50 per lot in excess of one lot
Revised plat	\$500 <u>750</u>	\$500 <u>750</u>
Tax Map updates	\$50 <u>75</u> per lot up to 20 lots; \$40 <u>15</u> each lot in excess of 20 lots	None

2. Site plans.

Type	Application Charge	Escrow Account
Preliminary plan	\$500 <u>750</u> + \$50 <u>75</u> per unit	\$300 for first acre; \$200 each additional acre or part thereof

Final plan	\$ 750 <u>1,125</u>	\$300 for first acre; \$200 each additional acre or part thereof
Minor site plan	\$ 300 <u>450</u>	\$200 for first acre; \$50 for each additional acre or part thereof
Revised site plan	\$ 500 <u>750</u>	\$300

3. The applicant is responsible for any reasonable professional fees connected with the review or inspection of the plan and/or site.

4. Dune review plan.

Type	Application Charge	Escrow Account
Dune review plan	\$ 750 <u>1,125</u>	\$400

5. Variances.

Type	Application Charge	Escrow Account
Appeals (N.J.S.A. 40:55D-70a)	\$ 500 <u>750</u>	\$150
Interpretation (N.J.S.A. 40:55D-70b)	\$ 250 <u>375</u>	\$150
Hardship (N.J.S.A. 40:55D-70c)	\$ 200 <u>300</u>	\$150
Use (N.J.S.A. 40:55D-70d)	\$400 first unit/lot; \$200 additional unit/lot	\$150
Permit (N.J.S.A. 40:55D-34 and 40:55D-35)	\$ 500 <u>750</u>	\$150
Exceptions (waiver of design standards, N.J.S.A. 40:55D-51)	\$ 200 <u>300</u>	\$150
Extension of approval	\$ 100 <u>150</u>	None

6. Other applications.

Type	Application Charge	Escrow Account
Conditional uses	\$ 500 <u>750</u>	\$150
House moving	Refer to § 199-3D	Refer to § 199-3D
Informal review	\$ 250 <u>375</u>	None
Special meeting at applicant's request	\$ 750 <u>1,125</u>	None
Zoning verification letter	\$ 100 <u>150</u>	--

Section 5. Sections 432-4 (D) (2) and (I) of the Code, entitled "Annual fees for mercantile licenses" which sets forth fees associated with Mercantile Licenses is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 432-4 Annual fees for mercantile licenses.

The annual fees to be paid to the Township Clerk for conducting the business of selling goods, services or a combination thereof shall be as follows:

- I. Rental units. Premises containing rental units shall pay an annual fee as follows:
 - (1) Structures which contain one or more separate furnished or unfurnished living units (other than apartment houses, rooming houses and boardinghouses), which are rented on either a seasonal or year-round basis, shall pay an annual fee in the amount of ~~\$50~~ 75 per unit.
 - (2) Structures containing one or more separate units in or at which any business is conducted and carried on, which are rented on either a seasonal or year-round basis, shall pay an annual fee of ~~\$50~~ 75 per unit, regardless of whether or not the lessee of such unit has a separate mercantile license for the business conducted therein.

Section 6. Section 500-2 (A) (6) of the Code, entitled "Sections Revised" which sets forth when costs shall become a lien associated with Property Maintenance is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 500-2 Sections Revised.

- (6) Section 106.5. The following sentence is inserted at the end: "Furthermore, if permitted by state statute, the notice may provide that the code official will abate the violation if not done so by the property owner or occupant within the time provided by state statute, and shall certify the cost thereof to the Township Council, which shall then examine the certificate and, if found correct, shall cause the cost thereof to be charged as a lien against such buildings, structures or premises. An Administrative Lien Fee in the amount of \$500 shall be imposed in conjunction with the creation of a lien."

Section 7. Chapter 570 of the Code, entitled "Solid Waste" is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 570-1. Definitions.

COMMERCIAL TRASH --- Any rubbish that is ~~either:~~

~~A. Collected on any day other than regularly scheduled collection day;~~

~~B. In excess of the maximum amount permitted for collection; or~~

~~C. Placed in receptacles in excess of the maximum capacities; or~~

generated from any non-residential property within the Township.

§ 570-3. Maximum quantities to be collected.

A. All residential units (other than apartments or condominiums where the complex has more than six units in any one building) ~~and small home businesses~~ will be allowed three thirty-five-gallon containers per week.

~~B. Larger nonhome businesses will be allowed either three thirty-five-gallon containers or up to one two-cubic-yard dumpster per week.~~

~~C. Campgrounds will be allowed up to one thirty-cubic-yard dumpster per week.~~

~~D.B. Condominium and apartment complexes which have more than six units in any one building shall be allowed either three thirty-five-gallon containers or up to one two-cubic-yard dumpster per week for every six units or fraction thereof, unless otherwise approved by the Department of Public Works.~~

~~E. Office buildings which contain fewer than six offices in a building shall be allowed either three thirty-five-gallon containers or up to one two-cubic-yard dumpster per week.~~

~~F. Office buildings which have six or more units in a building shall be allowed either three thirty-five-gallon containers or up to one two-cubic-yard dumpster per week for every six units or a fraction thereof, unless otherwise approved by the Department of Public Works.~~

§ 570-5. Commercial trash rates and schedules.

~~A. The fees for collection of commercial trash shall be as follows:~~

~~(1) For compacted rubbish: \$92.75 per ton or \$26.40 per cubic yard.~~

~~(2) For uncompacted rubbish: \$92.75 per ton or \$17.10 per cubic yard.~~

~~(3) For compacted and uncompacted rubbish, there will be a hauling fee of \$2.50 per cubic yard.~~

~~B.A. Any person desiring commercial trash collection shall notify the Department of Public Works to establish a schedule for such commercial trash collection and shall pay the fees for such collection pursuant to the policies established by the Township of Lower. The fees for collection of commercial trash shall be as follows:~~

~~(1) Businesses with 30 yard roll off containers: \$125.00 per pickup.~~

~~(2) Businesses with 35 gallon containers: \$25.00 per month based on one pickup per week with no more than three containers. Excess will be picked up at an additional charge based on the prorated rates set forth in this subsection.~~

~~(3) Businesses with two yard dumpsters: \$52.00 per month based on one pickup per week with no more than one container. Excess will be picked up at an additional charge based on the prorated rates set forth in this subsection.~~

~~(4) Businesses with three yard dumpsters: \$78.00 per month based on one pickup per week with no more than one container. Excess will be picked up at an additional charge based on the prorated rates set forth in this subsection.~~

~~(5) Businesses with four yard dumpsters: \$104.00 per month based on one pickup per week with no more than one container. Excess will be picked up at an additional charge based on the prorated rates set forth in this subsection.~~

~~B. Any person desiring commercial trash collection shall notify the Department of Public Works to establish a schedule for such commercial trash collection and shall pay the fees for such collection pursuant to subsection A of this section.~~

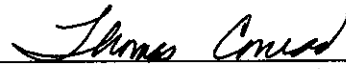
C. Subsection A of this section shall take effect on January 1, 2011 and sunset on December 31 2011.
Thereafter, the Township will not pick up commercial trash.

Section 8. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

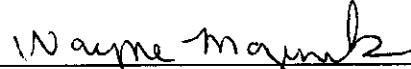
Section 9. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 10. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.


Section 11. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.



Thomas Conrad, Councilmember



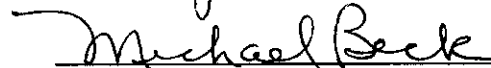
Wayne Mazurek, Councilmember



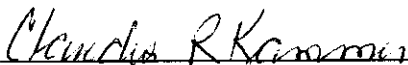
Glenn Douglass, Councilmember



Kevin Lare, Deputy Mayor



Michael Beck, Mayor

Attest: 
Claudia R. Kammer, Township Clerk

Adopted: Oct 4, 2010