

GARBAGE, RUBBISH AND REFUSE

1 nor more than three hundred (\$300.00) dollars in the
2 discretion of the Court, plus costs of prosecution. In
3 default of the payment of such fines and costs, such person
4 shall be imprisoned in the County jail for a period of not
5 more than ten (10) days.

6
7 B. It shall be considered a violation of this Chapter where
8 more than one residential premises and/or business or
9 commercial enterprise are aggregating their garbage and
10 trash for collection under one service fee. In such event,
11 both parties will be considered in violation of this
12 Chapter.

13
14 C. Each day that any violation of this Chapter exists shall be
15 considered a separate and distinct violation.
16

17
18 **ARTICLE VII**
19 **Mandatory Recycling Program**
20

21 **66-18. Purpose.**
22

23 It is the goal and purpose of this Chapter to effectuate the
24 Borough's compliance with Act 101, by facilitating efficient
25 disposal of solid waste generated within the Borough in the most
26 economical, environmentally acceptable manner, and also to reduce
27 the total volume of solid waste disposal of by the Borough. This
28 Chapter is also designed, in accordance with the Borough's police
29 powers, to protect the health, welfare, and safety of the residents
30 of this Borough.
31

32 **66-19. Definitions.**
33

34 For the purposes of this Chapter, the following words and
35 phrases shall have the meanings given to them in this section
36 unless the context clearly indicates otherwise:
37

38 **PERSON** - Any individual, or any other legal entity whatsoever
39 which is recognized by law as the subject of rights and duties.
40 In any provisions of this Chapter prescribing a fine,
41 imprisonment or penalty, or any combination of the foregoing,
42 the term "person" shall include the officers and directors of
43 any corporation or other legal entity having officers and
44 directors.
45

46 **COMMERCIAL ESTABLISHMENT** - Any entity in business for profit
47 and which has not previously been afforded municipal waste
48 collection.
49

50 **CORRUGATED PAPER** - Paper which has been shaped or wrinkled into

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1 parallel grooves and ridges, including cardboard, wrapping and
2 packaging paper.

3
4 INDEPENDENT CONTRACTOR - A private garbage hauler engaged by a
5 commercial establishment.

6
7 NEWSPRINT - A cheap, low-grade paper made mainly from wood pulp
8 and used chiefly for newspapers.

9
10 RESIDENT - A person who lives in a residential structure.

11
12 RESIDENTIAL - Any noncommercial building used for family
13 dwelling and which contains no more than four (4) dwelling
14 units.

15
16 RECYCLABLE MATERIALS - Materials which are separated from the
17 remainder of municipal waste in compliance with Section 1501 of
18 Act 101.

19
20 SOLID WASTE - Materials or substances discharged or rejected as
21 being spent, useless, worthless, or in excess by the owner at
22 the time of such discard or rejection, except sewage and other
23 highly diluted water-carried materials or substances, and those
24 in gaseous form. Such waste is more commonly defined as
25 "Municipal Waste" under rules and regulations promulgated by
26 the Pennsylvania Department of Environmental Resources. The
27 waste shall include, but is not limited to, garbage, sludge,
28 rubbish, ashes, street cleaning, dead animals, offal, abandoned
29 vehicles, agricultural waste.

30 31 **66-20. Residential recycling requirements.**

32
33 A. In accordance with Section 1501 of Act 101, 53 P.S.
34 4000.1501, the following items are hereby declared as the
35 designated residential recyclable materials:

36
37 (1) Newsprint, which until such time as may be
38 prohibited by the recycling facility, may also
39 include glossy advertising inserts;

40
41 (2) Aluminum cans;

42
43 (3) Clear glass;

44
45 (4) Colored glass;

46
47 (5) Certain types of plastics.

48
49 B. Each resident must establish within the household a program
50 for effective source separation of the aforementioned

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1 recyclable materials. Said recyclable materials must be
2 kept separate from other solid waste, and shall be disposed
3 of as hereinafter set forth. Further, all of the
4 designated recyclable materials must be stored in an area
5 free from exposure to the elements and shall be properly
6 secured so as to be safe from vermin.
7

8 C. The Borough shall provide each residential dwelling one (1)
9 recyclable materials container, which container must be
10 utilized by the resident when placing the aforementioned
11 recyclables at curbside for collection. The container
12 shall remain the property of the Borough, and the
13 recyclables shall become the property of the Borough when
14 placed at curbside for collection.
15

16 D. The Department of Public Works of the Borough shall
17 establish a schedule for collection of the recyclable
18 materials which conforms to the requirements of Section
19 1501(d) of Act 101. Suitable public notice of said
20 schedule of collection shall be made via newspaper
21 advertisement.
22

23 **66-21. Commercial recycling requirements. 2/07**

24
25 A. In accordance with Section 1501 of Act 101, the following
26 are designated as the designated commercial recycling
27 materials:
28

- 29 (1) High grade office paper;
- 30
- 31 (2) Aluminum;
- 32
- 33 (3) Corrugated Paper;
- 34
- 35 (4) Leaf waste.
36

37 B. Each commercial establishment shall develop an effective
38 program for the source separation of the aforementioned
39 recyclables. These materials must be kept separate from
40 other solid waste. Further, the recyclable materials must
41 be stored in an area free from exposure to the elements and
42 properly secured, so as to be safe from vermin.
43

44 C. Each commercial establishment shall arrange with an
45 independent contractor for private collection of the
46 aforementioned recyclables, as well as for collection of
47 remaining solid waste, which independent contractor shall
48 comply with all governing statutes for proper disposal of
49 same.
50

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1 D. Any commercial establishment which seeks exemption from the
2 requirements of this Chapter on the basis that it has
3 otherwise provided for the recycling of the designated
4 recyclable materials shall report no later than January
5 15th of each year to the Borough the total number of tons
6 recycled in compliance with Section 1501 (c) (1) (iii) of
7 Act 101.
8

66-22. Disposal of lead batteries.

9
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11 Any resident wishing to dispose of a lead acid battery shall
12 deliver same to an automotive battery retailer or wholesaler, or to
13 a secondary lead smelter permitted by the United States
14 Environmental Protection Agency, or to an authorized recycler, as
15 required by Section 1510 of Act 101. No other form of disposal
16 shall be lawful.
17

66-23. Disposal of leaf waste and similar material.

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19
20 Leaves, garden residues, shrubbery and tree trimmings, and
21 similar material, but not including grass clippings, shall be
22 separated from other municipal waste generated by residents, and
23 shall be placed at curbside in accordance with the collection
24 scheduled adopted by the Borough. Said waste shall be placed at
25 curbside separately in a polyethylene trash bag of thirty (30)
26 gallon capacity or in a disposable corrugated container.
27

66-24. Borough ownership of recyclables.

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29
30 Upon placement at curbside of the container supplied by the
31 Borough, as hereinbefore mentioned, all recyclables shall become
32 the property of the Borough, whose responsibility it shall be to
33 dispose of the recyclables in conformity with Act 101. No person
34 or persons other than the Department of Public Works or this duly
35 authorized agents may collect and dispose of recyclables placed at
36 curbside. Violation of this section shall be considered as
37 criminal theft or scattering rubbish under the Pennsylvania Crimes
38 Code, depending upon the severity of the violation, and may be
39 prosecuted in accordance with existing law.
40

66-25. Recycling of materials.

41
42
43 It shall be unlawful for any person to dispose of the materials
44 designated herein as recyclables with regular municipal waste. The
45 Department of Public Works and its designated agents are hereby
46 authorized to regularly inspect all municipal waste collected for
47 violations of this Chapter.
48

49 The Borough reserves the right to refuse to collect municipal
50 waste which contains unseparated recyclable materials in violation

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1 of Section IV of this Chapter.
2

3 **66-26. Delegation of duties.**
4

5 The Borough, if it deems it appropriate, may enter into an
6 agreement with any private firm for the collection of recyclables,
7 pursuant to Section 1501 (e)(1)(ii) of Act 101.
8

9 **66-27. Enforcement.**
10

11 Any person who violates any provision of this Chapter, except
12 as hereinbefore stated in Section IX, shall, upon conviction
13 thereof in a summary proceeding, be sentenced to pay a fine of not
14 less than one hundred dollars (\$100.00) nor more than three hundred
15 dollars (\$300.00) and costs of prosecution, and in default of
16 payment of such fine and costs, to undergo imprisonment for a
17 period of not more than thirty (30) days. Further, each day for
18 which a violation occurs and each violation of any provision of
19 this Chapter shall constitute a separate offense.
20