

## **CHAPTER 20**

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**PART 1**

**GENERAL**

**§20-101. Short Title.**

This Part shall be known and may be cited as the "Wormleysburg Waste Reduction and Recycling Ordinance."

(Ord. 391, 12/21/1990, §101)

**§20-102. Definitions.**

**ALUMINUM CANS** — all clean non-aerosol and empty all-aluminum beverage containers. This shall exclude aluminum foil.

**AUTHORIZED COLLECTOR OR CONTRACTOR** — a person, firm or corporation licensed or contracted by the Borough to handle municipal waste and recyclables in accordance with the provisions of this Part and other duly enacted rules and regulations.

**CERTAIN COMMERCIAL ESTABLISHMENTS** — certain premises or establishments engaged in a non-manufacturing or non-processing business, including but not limited to stores, markets, office buildings, professional offices and other businesses which have elected not to use a private hauler, do not have special trash requirements, and are allowed by the Borough to participate in the municipal collection recycling program conducted or contracted for by the Borough.

**COLLECTOR** — person engaged in collecting garbage, rubbish, ashes and recyclable materials in the Borough.

**DWELLING** — a building used for residential purposes, except hotels, motels, trailers, apartment buildings with four or more dwelling units and other commercial and industrial establishments.

**DWELLING UNIT** — any private residence or portion of a private residence or apartment or other living quarter occupied by a family or by a person or persons as a habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

**EXCLUSIVE CONTRACT** — an agreement entered into by the Borough with a private person, firm or corporation for the collection and disposal of all municipal waste and/or recyclables within the Borough to the extent provided by this Part and the contract.

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**GARBAGE** — any animal or vegetable matter which is subject to fermentation and decay, including fish, fruit, meat, vegetables, house and store sweepings.

**GLASS** — all empty bottles and jars made of clear glass. Expressly excluded from this definition are blue glass, lead crystal, colored glass, porcelain, ceramic products and tempered or plate glass.

**HOUSEHOLD GARBAGE** — garbage, materials and refuse produced in and about a household that is discarded by the residents or occupants.

**INDUSTRIAL ESTABLISHMENTS** — any establishment engaged in the manufacturing of products, including and not limited to factories, mills, processing plants and refineries.

**MULTIFAMILY ESTABLISHMENTS** — rental housing, apartment buildings, or apartment complexes that have four or more dwellings, and condominiums associations and homeowners' associations of four or more dwelling units which were established or organized in such a manner that the association provides common services for the residents of the housing development.

**MUNICIPAL WASTE** — any garbage, refuse, industrial lunch room or office waste or other material, including solid, semi-solid, liquid, or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities. The term does not include source-separate recyclable materials, newspapers/newsprint, paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and matters of public interest, excluding magazines and colored newsprint.

**RECYCLABLES/RECYCLABLE MATERIAL** — those materials specified by the Borough for separation, collection or processing or reuse as part of a recycling program.

**RECYCLING** — the program of or system of separation, collection, processing, recovery or reuse of recyclables.

**SOLID WASTE** — any waste, including but not limited to municipal, home, residual or hazardous waste, including solid, liquid, semi-solid or contained gaseous materials.

(Ord. 391, 12/21/1990, §102)

### **§20-103. Storage and Handling of Municipal Waste.**

1. General. It shall be the duty of every owner of property and every person occupying a dwelling unit, premises, or place of business, within the Borough where municipal waste is generated and accumulated, by his/her own expense and cost, ex-

cept as otherwise specified in this Part, to provide and keep at all times a sufficient numbers of containers to hold all municipal waste accumulated between the intervals of collection of such waste; and to insure the sanitary and legal disposal of such waste in accordance with this Part and all other Borough, State and Federal applicable laws and regulations.

2. Containers. All municipal waste accumulated by owners and/or occupants of residential properties, dwelling units and certain commercial establishments shall be placed in containers for collection by the collector. Containers shall be durable, watertight and of rust-resistant metal or plastic. The size of each container shall not exceed 35 gallons' capacity. Containers for curbside recyclables shall be as specified by the Borough or as provided by the Borough directly through the exclusive contract for recyclables. Disposable containers such as paper and polyethylene bags shall be acceptable storage of refuse, provided those bags are designed for storage and collection of refuse and have the strength capable of any stresses until they are collected.

3. Location of Containers. Each municipal waste container and curbside recyclable containers shall be placed for collection so as to be accessible to the collector at ground level and at a point immediately behind the curblineline of the street or alley, at a place easily accessible to the collector.

4. Collection, Maintenance and Removal of Garbage Cans. All garbage cans shall be kept in a clean and sanitary condition. No garbage can shall be used unless the lid remains in condition to provide a tight fit on the garbage can. The day immediately following the collection, all garbage cans and recyclable containers shall be removed from the street by 12:00 p.m. (noon) (prevailing time). On the day collection is scheduled for any premises, or not earlier than 12:00 p.m. (noon) (prevailing time) on the day before collection is scheduled, all garbage, trash, rubbish and recyclable materials shall be placed at the street in front of the premises unless directed otherwise by the Borough Collector or the Borough.

(Ord. 391, 12/21/1990, §102)

#### **§20-104. Garbage and Refuse Vehicles.**

All vehicles used in the collection of garbage and refuse in the Borough must be so constructed, or covered, and all handling of garbage and refuse on the premises from which collected and in its transportation shall be done in such a way that no spilling, leaking or strewing shall occur on such premises or streets of the Borough.

(Ord. 391, 12/21/1990, §104)

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### **§20-105. Dumpster Units.**

All dumpster units used in the disposal and collection of garbage, or rubbish or other refuse in the Borough of Wormleysburg shall be so constructed or covered with water-tight lids that are kept closed at all times except when the user is depositing garbage, rubbish or other refuse therein or when the collector is collecting the same therefrom, and all persons handling garbage, rubbish and refuse on the premises served by the dumpster unit shall handle the garbage, rubbish and refuse in such a way as to prevent spilling, leaking or strewing of the garbage, rubbish or refuse on the premises or on the streets of the Borough. Dumpster units shall be located on the premises served and shall not be placed on a sidewalk, street, alley, the Borough right-of-way or in a side, rear or front yard.

(Ord. 391, 12/21/1990, §105)

### **§20-106. Commercial User and Multiple-Family User Collection.**

Commercial users and multiple-family users shall be required to contract with the Borough collector or other collector to remove refuse from the premises occupied by the commercial user or the multiple-family user. If the commercial user or the multiple family user contracts with the Borough collector for refuse removal, then the fee to be charged will be mutually agreed between the user and the Borough collector and shall be paid directly to the Borough collector. Certain commercial establishments or users who are presently using the Borough collector or those that wish to use the Borough collector via payment directly to the Borough of Wormleysburg shall only be allowed to do so upon review by the Borough Manager.

(Ord. 391, 12/21/1984, §106)

### **§20-107. Enforcement.**

The Borough Manager or the Code Enforcement Officer shall enforce the provisions of this Part. The authorized collector, or any private collector who collects garbage or recyclables in the Borough, shall report any violations of this Part observed by them to the Borough Manager or Code Enforcement Officer.

(Ord. 391, 12/21/1990, §107)

### **§20-108. Unlawful Accumulation of Garbage and Rubbish.**

No person shall permit garbage or municipal water to accumulate in or upon his or her premises for more than one week.

(Ord. 391, 12/21/1990, §108)

**§20-109. Conditions for Collection by Borough.**

The Borough of Wormleysburg is hereby authorized to engage and contract for the collection of garbage, rubbish, ashes and recyclable materials in the Borough of Wormleysburg for dwelling units and certain commercial establishments as determined by the Borough in its sole discretion. Collections shall be under the supervision and control of the Borough Manager.

(Ord. 109, 12/21/1990, §109)



**PART 2**  
**FEES AND BILLINGS**

**§20-201. Fees.**

The fee for collection and disposal of refuse from each dwelling unit and certain commercial establishments shall be as established by resolution of Borough Council from time to time. The fee shall be paid on a quarterly basis per dwelling unit and certain commercial establishments who utilize the Borough's collector. Said fee shall be paid in the face amount if paid within 30 days from the date of the billing. Fees shall be subject to a penalty of 10% of the amount due if paid after 30 days from the date of billing but before 60 days from the date of billing. Any account not paid within 60 days from the date of billing shall be delinquent. The Borough reserves the right to proceed for the collection of said unpaid charges by civil action, by municipal lien or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim. The Borough may designate an agent, including any bank, to act on its behalf in the collection of fees imposed hereby and maintain the accounts thereof.

(Ord. 391, 12/21/1990, §201; as amended by Ord. 392, 3/12/1991)

**§20-202. Billing Statements.**

A quarterly billing statement shall be rendered in advance for January, April, July and October of each year for collection of garbage, rubbish, ashes and recyclable materials. It shall be the duty and responsibility of every dwelling unit owner and every person occupying a dwelling unit and the owner and occupant of certain commercial establishments within the Borough where municipal waste is produced and accumulated to pay the service fee for the collection and disposal of this waste to the Borough.

(Ord. 391, 12/21/1990, §202)

**§20-203. Exoneration of Fee.**

Any owner of real estate located within the Borough may apply for exoneration of the fee for collection and disposal of solid waste imposed upon a commercial or industrial establishment or residential dwelling.

- A. The request for exoneration shall be in writing and shall be submitted to the Borough Manager no later than the second Tuesday of the month preceding the calendar quarter for which the exoneration is requested.
- B. Requests for exoneration shall be limited to one calendar quarter. Additional requests for subsequent quarters shall be filed in accordance with Subsection A above.

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- C. For requests timely submitted, the Borough Council hereby authorizes the Borough Manager to approve such requests. Within 15 days of receipt of the request, the Borough Manager shall notify the applicant that the request is approved or, if denied, of the procedure for appeal. The notice of denial shall be by certified mail.
  
- D. If the request is denied by the Borough Manager, the applicant may appeal to the Borough Council. The appeal shall be in writing and shall provide a brief statement of the basis for the appeal. The appeal shall be filed with the Borough within 15 days after receipt of the denial notice. Upon timely receipt of an appeal, the Borough Manager shall set a hearing on the appeal during the Council's next regularly scheduled meeting and shall notify the appellant thereof in writing.

(Ord. 466, 1/9/2007)

**PART 3**  
**RECYCLING**

**§20-301. Establishment of Recycling Program.**

There is hereby established in this Borough a mandatory separation program of recyclable material from solid waste by persons residing in dwelling units and certain commercial establishments where solid waste is collected by or on behalf of the Borough.

(Ord. 391, 12/21/1990, §301)

**§20-302. Separation and Disposal of Recyclable Materials.**

Recyclable materials are aluminum cans, clear glass and newsprint. Recyclable materials shall be placed at the curb separate from solid waste for collection. Recyclable materials shall be collected weekly. Recyclable materials for dwelling units and certain commercial establishments shall be prepared for collections as follows:

- A. All newsprint shall be placed in paper bags or tied in bundles not exceeding 50 pounds in weight nor exceeding one foot in thickness.
- B. Glass shall have caps and lids removed and rinsed free of contaminants and placed in the recyclable container.
- C. Aluminum cans shall be rinsed and placed in the recyclable container.
- D. It shall be placed a maximum of six feet from the nonrecyclable trash and garbage.

(Ord. 391, 12/21/1990, §302)

**§20-303. Separate Disposal Recyclable Materials By Multiple-Family Housing Properties, Commercial Users and Industrial Users.**

The owner, landlord or agent of an owner or landlord of a multiple-family housing property, commercial establishment or industrial user whose solid waste is not collected by or on behalf of the Borough may establish a collection system for recyclable materials at each building or structure.

(Ord. 391, 12/21/1990, §303)

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### **§20-304. Exclusions.**

Newspaper or newsprint that is used for secondary purposes such as wrapping of waste or for cleaning which renders is unusable or unsuitable for recycling shall not be required to be recycled.

(Ord. 391, 12/21/1990, §304)

### **§20-305. Establishment of Regulations.**

The Borough or its authorized agent shall establish and promulgate regulations on the manner, days and time of collection of recyclable materials, and for bundling, handling, and location of such materials for collection. Regulations shall be promulgated for each program undertaken, including but not limited to residential, multifamily, and commercial and industrial sources of recyclable materials.

(Ord. 391, 12/21/1990, §305)

**PART 4**

**PENALTIES AND OTHER REMEDIES**

**§20-401. Criminal Penalties.**

Any person, other than a municipal official exercising his official duties, who violates any provision of this Part, resolutions enacted hereunder, any order issued hereunder, or the terms or conditions of any contract awarded in the implementation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, and in default of the payment of such final costs, to under go imprisonment for not more than 30 days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalties imposes by this Section for each and every separate offense.

(Ord. 391, 12/21/1990, §401)

**§20-402. Other Remedy.**

In addition to the foregoing penalties, the Borough may require the owner or occupant of a property to remove any accumulation of solid waste or discarded materials or materials causing a public nuisance; and should said person fail to remove such solid waste after five days following written notice, the Borough may cause the solid waste to be collected and disposed of, with the cost for such action to be charged to the owner or occupant of the property in any manner provided by law, including the placing of a municipal lien on the property.

(Ord. 391, 12/21/1990, §402)

**§20-403. Severability.**

Should any section, paragraph, sentence, or clause, of this Part be declared unconstitutional or invalid for any reason, the remainder of this Part shall not be affected thereby.

(Ord. 391, 12/21/1990, §403)

