

**CHAPTER 102
SOLID WASTE AND RECYCLING**

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**Article I
General Provisions**

§102-1. Declaration of Policy.

The accumulation, collection, removal and disposal of solid waste must be controlled by the Borough of Delmont for the protection of the public health, safety and welfare. The Delmont Borough Council finds that, in order to give effect to this policy, a comprehensive system is required for the periodic collection, removal, disposal and recycling of solid waste from all premises in the Borough.

§102-2. Title.

This Ordinance shall be known and referred to as the Delmont Borough Solid Waste and Recycling Ordinance, Chapter 102 of the Delmont Borough Code.

§102-3. Definitions.

- A. The following words and phrases as used in this Ordinance shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

Act 97 – The Pennsylvania Solid Waste Management Act of 1980 (See 35 P.S. § 6018.101, et seq., as amended).

Act 101 – The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (See 53 P.S. § 4000.101 et seq., as amended).

Agricultural Waste – Poultry and livestock manure, or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.

Aluminum – All empty aluminum beverage or food cans.

Bimetal Containers – Empty food or beverage containers consisting of two metals such as steel and aluminum or steel and tin.

Borough – The Borough of Delmont, Westmoreland County, Pennsylvania.

Bulky waste – Large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to size, shape or weight.

Commercial Establishment – Any establishment engaged in nonmanufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters, along with multiple-dwelling residential dwellings with central waste collection systems provided by the owner or landlord.

Community Activities – Events that are sponsored by public or private agencies or individuals, which include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

Construction and Demolition Waste – Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term does not include the following if they are separate from other waste and are used as clean fill:

1. Uncontaminated soil, rock, stone, gravel, brick and block and concrete and used asphalt.
2. Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative materials.

Container – a portable device in which waste is held temporarily for storage or transportation.

Corrugated Paper – Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Council – The elected Council of the Borough of Delmont.

County – The County of Westmoreland or the Westmoreland County Board of County Commissioners.

DEP – The Pennsylvania Department of Environmental Protection.

Disposal – The incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged into the waters of the Commonwealth of Pennsylvania.

Domestic Waste or Household Waste – Solid waste, comprised of garbage and rubbish, which normally originates in a residential private household or apartment house.

Garbage – Any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Glass Containers – Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

Hauler or Private Collector – Any person, firm, corporation, association or other entity who or which has been licensed by the Borough or its designated representative to collect, transport and dispose of ref use for a fee as herein prescribed.

Hazardous Waste – Any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

High-Grade Office Paper – Bond, copies, letterhead or mimeograph paper typically sold as “white ledger” paper and computer paper.

Industrial Establishment – Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Establishment – Any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Leaf Waste – Leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, and similar material, but not including grass clippings.

Multifamily Properties – Any properties having more than one dwelling unit per structure for which the owner, landlord or agent authorizes municipal waste collection services. Properties with more than one unit per structure for which individual occupants authorize municipal waste collection services are to be considered as residences.

Municipal Establishment – Public facilities operated by the Borough and/or other government and quasi-governmental entities.

Municipal Waste – Garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishment and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

Municipality – The Borough of Delmont, Westmoreland County, Pennsylvania.

Newspaper – Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.

Occupied Dwelling – A permanent building or fixed mobile home that is used on a regular basis for human habitation.

Person – Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by laws as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plastic Containers – Any empty plastic food and beverage containers accepted by the hauler. Due to the wide variety of types of plastics, the municipality may stipulate specific types of plastic which may be recycled.

Processing – Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

Recyclable Materials – Materials generated by residences and commercial, municipal and institutional establishments which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, leaf waste, plastics, and other items selected by the municipality or specified in future revisions to Act 101. The recyclable materials selected by the municipality may be revised from time to time as deemed necessary by the municipality.

Recycling – The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanical separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than as fuel for the operation of energy.

Recycling Facility – A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute or a supplement to virgin raw materials. The term “recycling facility” shall not mean transfer stations or landfills for solid waste nor composting facilities or resource-recovery facilities.

Rubbish – All solid waste materials which are discarded as useless.

Residences – Any occupied single or multifamily dwellings having up to four dwelling units per structure for which the municipality provides municipal waste collection service.

Residual Waste – Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials, resulting from industrial, mining or agricultural water supply treatment, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term “residual waste” shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (See 52 P. S. § 30.51, et seq.). Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law (See 35 P.S. § 691.1 et seq.).

Resource-Recovery Facility – A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off site, including without limitation, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated off site, whether or not the facility is operated to recover energy. The term does not include: any composting facility; methane gas extraction from a municipal waste landfill; any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste; and any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

Rubbish – All non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

Salvaging – The controlled removal or recycling of material from a solid waste processing or disposal facility.

Scavenging – The unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

Sewage Treatment Residues – Any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97, as amended.

Solid Waste – Any waste, including without limitation to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material. The term does not include coal ash or drill cuttings.

Source-Separated Recyclable Materials – Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

Storage – The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Transfer Station – Any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

Transportation – The off-site removal of any solid waste at any time after generation.

- B. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§102-4. Severability.

In the event that any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of such chapter shall not be invalidated by such action.

§102-5. Codification.

The provisions hereof shall be codified as Chapter 102 of the Delmont Borough Code.

§102-6. Conflict.

Any ordinances or any part of any ordinance which conflict with this chapter are hereby repealed insofar as the same affects this chapter.

§102-7. Effective Date.

This Chapter shall take effect on July 1, 2017.

Article II
Solid Waste

§102-8. Prohibited Activities.

- A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough any garbage, rubbish, bulky waste, waste material or debris of any kind; junk; scrapped or wrecked motor vehicles and/or trailers; flammable articles and/or stored vehicles without a current inspection sticker and current license; and/or any other municipal or residual solid waste except in accordance with the provisions of this chapter, any Department rules and regulations adopted pursuant to Act 97 and any Health Department rules and regulations. Vehicles without current inspection stickers and current licenses that are stored indoors are exempt from the provisions of this section.
1. A scrapped, wrecked or stored motor vehicle maintained as aforesaid shall be deemed in violation of the provisions of this section if, for a period of 30 days, said vehicle is without either a current inspection sticker and/or a current license. A dealer's license shall be deemed the equivalent of a current license upon compliance with the provisions of both Subsection A(2)(a) and (b) hereof.
 2. Any person, firm or corporation which is a licensed new or used motor vehicle dealer shall not be deemed in violation of this section, provided that:
 - i. The scrapped, wrecked or stored motor vehicle is maintained pursuant to the dealer's business operation; and
 - ii. The dealer's business operation is maintained upon private property which is in compliance with the district and use classification as authorized by the Delmont Borough Zoning Ordinance.

3. It shall be unlawful for any person to burn any solid waste, including leaf waste, within the Borough except in accordance with the provisions of Chapter 7 of the Code of Ordinances of the Borough and all applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.
- B. It shall be unlawful for any person to process and/or dispose of any solid waste in the Borough except in accordance with all applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.
- C. It shall be unlawful for any person to dispose of solid waste in the Borough except in accordance with the provisions of this chapter, any Department rules and regulations adopted pursuant to Act 97 and any Health Department rules and regulations.
- D. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Borough without a current valid license to do so issued by the Westmoreland County Department of Planning and Development.
- E. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Borough without prior written approval from the Borough.
- F. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Borough except at an approved and permitted resource recovery facility under any applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.
- G. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Borough except as provided in this chapter.
- H. It shall be unlawful for any person to permit the dumping or depositing of garbage, rubbish, waste or refuse upon any land situated within the territorial boundaries of the Borough of Delmont.
- I. It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for collection, or to discard or dispose of any lead acid battery except by delivery to a secondary lead smelter permitted by the U.S. Environmental Protection Agency, or a collection or recycling facility approved by DEP.
- J. Nothing in this section shall be construed to prohibit the composting of organic materials, provided that it does not produce offensive odors detectable at the property line or attract rodents or vermin.

§102-9. Standards for Storage of Solid Waste.

- A. The storage of all municipal waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
- B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.
- C. Any person storing municipal waste for collection shall comply with the following preparation standards:
 1. All municipal waste shall be drained free of liquids before being placed in storage containers.
 2. All municipal waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags
 3. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
 4. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than four feet in length, not more than two feet in diameter and not more than 40 pounds in weight.
 5. Any newspapers and magazines that are not eligible for recycling shall be placed in approved containers or shall be tied securely into bundles of not more than 40 pounds in weight.
 6. When specified by the Borough or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.
- D. All municipal waste shall be stored in containers approved by the municipality or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:
 1. Reusable containers shall be constructed of durable, watertight, rust- and corrosion-resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak proof, weatherproof, insect-proof and rodent-proof.
 2. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.
 3. Reusable containers for individual residences shall have a capacity of not less than 10 gallons nor more than 40 gallons and of a type acceptable to the contracted waste hauler.

4. Disposable plastic bags or sacks are acceptable containers, provided that the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection and shall have a capacity of not more than 30 gallons and a loaded weight of not more than 35 pounds.
 5. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.
- E. Any person storing municipal waste for collection shall comply with the following storage standards:
1. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
 2. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
 3. Containers shall be used and maintained so as to prevent public nuisances.
 4. Containers that do not conform to the standard of this chapter or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Borough or its designated representative.
 5. Containers shall be placed by the owner or customer at a collection point within five feet of the road edge or curblin.
 6. With the exception of pickup days, when the containers are set out for collection, the containers shall be kept more than 30 feet from the street property line of the owner or customer premises at all times.
 7. All garbage, rubbish or waste in proper containers must not be set out more than 24 hours prior to the scheduled pickup.
 8. Bulk waste items, such as furniture, automobile parts, machinery, appliances and tires, shall be stored in a manner that will harbor no rodents, collect no water and cause no fire or safety hazards.
 9. Items containing Freon and/or other hazardous materials must have materials removed by a certified technician prior to collection.

- F. The storage of all municipal waste from multifamily residential units, commercial establishments, institutions and industrial lunch room or office waste sources is subject to the regulations and standards set forth in this chapter. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and shall comply with the Delmont Borough Zoning Ordinance.

§102-10. Standards and Regulations for Collection.

- A. The Borough shall provide for the collection of all garbage, rubbish, recyclable materials and bulky waste from individual residences and multifamily residential sources with less than four units, or it may contract with a private collector or collectors to provide this essential residential collection service. The Borough may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the garbage, rubbish, recyclable materials and bulky waste from curbside.
- B. All households and homeowners shall utilize the residential collection service provided by the Borough.
- C. All multifamily residential sources (with more than two units), commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the Borough's collector or any other properly licensed waste hauler.
- D. Residential garbage and rubbish shall be collected at least once a week. Recyclable materials shall be collected upon a schedule and frequency to be determined by the Borough and the licensed hauler. Bulky wastes shall be collected following prior arrangement with the Borough's hauler and payment of any required special fees.
- E. All commercial, institutional, public and industrial lunch room and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The Borough reserves the right to require more frequent collection when deemed necessary. To the extent that a commercial, institutional, public or industrial facility has previously contracted for waste and/or recycling services prior to the effective date hereof, nothing herein shall invalidate that contract. However, upon the expiration thereof, such facilities shall thereafter utilize the municipal service established in this chapter.
- F. Residential collection schedules shall be published regularly by the Borough or its contracted hauler.
- G. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 7:00 p.m. or on Saturdays between the hours of 8:00 a.m. and 5:00 p.m., unless prior approval or any exception has been granted by the Borough. Saturday collections shall only be permitted with prior written approval from Borough. No collection, hauling or transporting of solid waste shall be permitted on Sunday.

- H. All haulers licensed and/or contracted by the Borough shall comply with the following standards and regulations:
1. All municipal waste collected within the Borough shall ultimately be disposed only at a landfill cited in the Westmoreland County Act 101 Solid Waste Management Plan or any subsequent revisions thereto.
 2. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97 and any Department regulations adopted pursuant to Act 97 and must be licensed by the Borough.
 3. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
 4. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
 5. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.
- I. The Borough or its designated hauler reserves the right to inspect solid waste placed for removal and reject any solid waste containing hazardous, illegal or otherwise unacceptable items.

§102-11. Collection and Disposal Charges.

- A. A fee or charge shall be imposed upon each household dwelling for the collection and disposal of municipal waste, which charge shall be in accordance with the agreement between the Borough and the contracted hauler. Said fee may be billed annually, quarterly or monthly, depending upon the final municipal contract between the Borough and the licensed hauler.
- B. An annual fee is hereby made and imposed upon each household dwelling for the administrative costs of the Borough covering all matters affecting the collection and disposal of municipal waste, which charge shall be in accordance with the final municipal contract between the Borough and the licensed hauler.
- C. The owner of each household dwelling and the occupant thereof shall be jointly and severally liable for the payment of the charges assessed under the final municipal contract between the Borough and the licensed hauler.
- D. The proper officers of the Borough hereby are authorized to make and enter into a contract with such person or corporation and on such terms and conditions as shall be in the best interests of the Borough and in form approved by the Solicitor for collection of the charges hereinabove provided for. Such contract shall be entered into in accordance with the provisions of law, and the proper officers of the Borough hereby are authorized and directed to sign, acknowledge and deliver any and all documents necessary to effectuate

the provisions hereof.

§102-12. Injunction Powers.

The Borough may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

§102-13. Enforcement.

The Ordinance Officer is hereby authorized to enforce violations of this chapter by filing, on behalf of the Borough, appropriate charges before courts of competent jurisdiction.

§102-14. Violations and Penalties.

- A. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough or its designee may remove the garbage, rubbish, waste material and debris of any kind, junk, scrapped or wrecked motor vehicles and/or trailers, flammable articles or stored vehicles without a current inspection sticker and/or current license, as aforesaid; the cost thereof, together with any additional payment authorized by law, may be collected by the Borough from such person, firm or corporation in the manner provided by law for the collection of municipal claims or by an action in law in any court of competent jurisdiction.
- B. Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before a District Justice having jurisdiction of the matter, be sentenced to pay a fine of not more than \$1,000 and cost of prosecution, including reasonable attorney fees, and, in default of payment of such fine and costs, to undergo imprisonment in the county jail for not more than 30 days, provided that each day's violation shall constitute a separate offense, and neither notice to the offender of a single day's violation nor repeated notice of a continuing violation shall be necessary in order to constitute an offense.

Article III
Recycling

§102-15. Establishment of Program and Grant of Power.

- A. The municipality hereby establishes a recycling program for the separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the municipality for which waste collection is provided by the municipality. Collection of the recyclable materials shall be made at least once per month by the municipality, its designated agent, or any other solid waste collectors operating in the municipality and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The recycling program shall also contain a sustained public information and education program.

- B. This article is ordained pursuant to the authority granted to Borough by the Pennsylvania Borough Code of the Commonwealth of Pennsylvania. (See 8 Pa. C.S.A. § 101, et seq. and 8 Pa. C.S.A. § 1202(8))

§102-16. Separation and Collection.

- A. All persons who are residents of the municipality desiring to participate in recycling shall separate all of those recyclable materials designated by the municipality from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the following requirements:
1. Participating persons in residences must separate recyclable materials from other municipal waste. Recyclable materials shall be placed at the curbside in containers provided by the municipality for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the municipality and shall be used only for the collection of recyclable materials. Any resident who moves within or from the municipality shall be responsible for returning the allocated container to the municipality or shall pay the replacement cost of said container. Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated to such container shall be a violation of this article.
 2. An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, managers and agents of owners, landlords or managers who comply with this article shall not be liable for noncompliance of occupants of their buildings.
 3. If recyclable materials are collected by a collector other than the municipality or its authorized agent, owners, landlords, and agents of owners or landlords, shall submit an annual report to the municipality reporting the tonnage of materials recycled during the previous year. This requirement may be fulfilled by submission of a letter or form from the collector which certifies that recyclable materials are being collected from the multifamily housing property.
- B. All participating persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.
- C. Participating persons shall separate high-grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the municipality generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. In addition to the above, such persons or

other entities shall submit, at a minimum, an annual recycling report to the governing body of the municipality. The report shall document the amount of the municipal waste generated per year as well as the type and weight of materials that were recycled in the previous calendar year. Valid documentation shall include information from an end-use, recycler or waste hauler which describes the type and weight of each recyclable material that was collected and marketed. Documentation may be in the form of one of the following:

1. Copies of weight receipts or statements which consolidate such information;
 2. A report from the collector of recycling collection services which identifies the amount of each material collected and marketed; the type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its source-separated materials;
 3. A report from the collector of waste collection services that identifies the type and weight of each recyclable material collected and marketed in cases where recyclables are commingled with the establishment's waste; the type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. Only the weight of materials marketed for recycling purposes can be credited to an establishment.
- D. All employees, users (patrons), and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should describe the program's features and requirements and should include, at a minimum, an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

§102-17. Ownership of Recyclable Materials.

All recyclable materials placed by persons for collection by the municipality or authorized collector pursuant to this article shall, from time of placement at the curb, become the property of the municipality or the authorized collector, except as otherwise provided by § 102-18 of this article. Nothing in this article shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

§102-18. Collection by Unauthorized Persons.

It shall be a violation of this article for any person, firm or corporation, other than the municipality or one authorized by the Borough or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the municipality or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residence or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

§102-19. Existing Recycling Operations.

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from the Borough or other entity responsible for authorizing collection of recyclable materials.

§102-20. Recycling of Materials.

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this article. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Borough in writing.

§102-21. Enforcement and Administration.

- A. Borough Council or the designated agent thereof is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this article, as deemed necessary, including but not limited to:
1. Establishing recyclable materials to be separated for collection and recycling by residences and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
 2. Establishing collection procedures for recyclable materials.
 3. Establishing reporting procedures for amounts of materials recycled.
 4. Establishing procedures for the distribution, monitoring and collection of recyclable containers.
 5. Establishing procedures and rules for the collection of leaf waste.
- B. Any person, firm or corporation who shall violate the provisions of this article shall receive an official written warning of noncompliance for the first and second offenses. Thereafter, all such violations shall be subject to the provisions set forth in Sections 102-12, 102-13 and 102-14 hereof.

§102-22. Modifications.

The municipality may, from time to time, modify, add to or to remove from the standards and regulations herein and as authorized in § 102-21 hereof.