

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 335

(Duly Adopted May 29, 1996)

AN ORDINANCE AMENDING CHAPTER 71 OF THE CODE OF THE BOROUGH OF ALBURTIS (RELATING TO MUNICIPAL SOLID WASTE, RECYCLABLES, AND OTHER REFUSE) TO PROHIBIT THE DUMPING OF RECYCLABLE MATERIALS GENERATED OUTSIDE OF THE BOROUGH INTO THE BOROUGH'S COLLECTION SYSTEM.

WHEREAS, Chapter 71 of the Code of the Borough of Alburdis (adopted by Ordinance 294 on December 9, 1992) provides comprehensive regulations relating to solid waste, recyclables, and other refuse; and

WHEREAS, Borough Council desires to amend Chapter 71 to prohibit the dumping of recyclable materials generated outside of the Borough into the Borough's collection system;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, that Chapter 71 (relating to Solid Waste, Recyclables, and Other refuse), Section 71-8 (relating to Prohibited Acts), subsection C (relating to Dumping) of the Code of the Borough of Alburdis is hereby amended as follows (with additions indicated by double-underlining, and deletions indicated by ~~stricken-through-type~~):

C. Dumping.

(1) It shall be unlawful for any person to place any refuse on any property in the Borough (or in the location designated by the Borough for the collection of refuse generated on the property) unless the refuse was generated on that property, except for

(a) minor and incidental quantities of refuse generated by an owner or resident of the property ~~elsewhere,~~ elsewhere; and

(b) minor and incidental quantities of refuse generated by a guest or customer of the owner, resident, or operator of the property.

Accordingly, without limitation, it shall be unlawful to dump refuse in the Borough, and it shall be unlawful to transport refuse to a property in the Borough or for the owner of property in the Borough to accept refuse generated off-site, in order to reduce or eliminate any person's costs for disposing of refuse.

(2) It shall be unlawful for any person to place any recyclable materials on any property in the Borough (or in the location designated by the Borough for the collection of refuse or recyclable materials generated on the property) unless the recyclable materials were generated on that property, except for—

(a) recyclable materials authorized by the owner or possessor of the property which are being collected for recycling outside of a recycling program operated by the Borough or its Contractor;

(b) minor and incidental quantities of recyclable materials generated by an owner or resident of the property elsewhere; and

(c) minor and incidental quantities of refuse or recyclable materials generated by a guest or customer of the owner, resident, or operator of the property.

(3) It shall also be unlawful for any person to place any refuse in any public waste receptacle in the Borough other than a minor and incidental quantity of refuse.

(4) It shall be unlawful for any person to place any recyclable materials generated outside of the Borough in any receptacle or at any location designated by the Borough for the collection of recyclable materials under a recycling program operated by the Borough or its Contractor. Accordingly, without limitation, it shall be unlawful to dump

~~refuse in the Borough, and it shall be unlawful to transport refuse to a property in the Borough or for the owner of property in the Borough to accept refuse generated off-site, in order to reduce or eliminate any person's costs for disposing of refuse.~~

(5) This subsection C shall not apply to:

~~(1)~~ **(a)** the placement of any recyclable materials in locations designated or authorized by the Borough for the collection of such recyclable materials, provided that such placement is in accordance with the regulations of the Borough and the person operating the recycling center; or

~~(2)~~ **(b)** any transfer facility licensed under the Solid Waste Management Act, 35 PA. STAT. ANN. § 6018.101 *et seq.*, and operating in conformity with all applicable requirements of Chapter 137 (relating to Zoning).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburdis, this 29th day of May, 1996, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURDIS

Steven R. Hill, President

Attest:

Louise Stahley, Secretary

AND NOW, this 29th day of May, 1996, the above Ordinance is hereby
APPROVED.

Ronald J. Delaco, Mayor