

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 440

(Duly Adopted December 28, 2005)

AN ORDINANCE AMENDING CHAPTER 67 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO MUNICIPAL SOLID WASTE, RECYCLABLES, AND OTHER REFUSE) TO CLARIFY THE STATUS OF GRASS CLIPPINGS AND TO PERMIT NO MORE THAN ONE UNIT CONTAINING GRASS CLIPPINGS TO BE COLLECTED FROM A PROPERTY AT A SINGLE CURBSIDE GARBAGE COLLECTION (OTHER GRASS CLIPPINGS NOT MULCHED MUST BE DEPOSITED AT THE CENTRAL BOROUGH RECYCLING LOCATION FOR GRASS CLIPPINGS); PERMIT THE COLLECTION OF ONE UNIT OF CONSTRUCTION AND DEMOLITION DEBRIS PER GARBAGE COLLECTION FROM A PROPERTY; PROHIBIT THE DISPOSITION WITH GARBAGE OF ANY ITEM REQUIRING SPECIAL PREPARATION (SUCH AS FREON APPLIANCES) UNLESS THE SPECIAL PREPARATIONS HAVE BEEN COMPLETED; DEFINING THE TYPES OF RECEPTACLES PERMITTED FOR COLLECTIBLE MUNICIPAL WASTE AND FOR COLLECTIBLE RECYCLABLE MATERIALS; PERMITTING MAXIMUM AMOUNTS AND/OR TYPES OF COLLECTIBLE MUNICIPAL WASTE TO BE ESTABLISHED BY CONTRACT WITH A GARBAGE CONTRACTOR; CLARIFYING THE DEFINITION OF VOLUNTARY RECYCLABLE MATERIALS; PROVIDING RULES FOR THE COLLECTION TIME AND LOCATION OF COLLECTIBLE RECYCLABLE MATERIALS AND THEIR SEPARATION OR COMINGLING; AND PROVIDING AN ADDITIONAL FEE FOR THE COLLECTION OF EXCESS VOLUME OF COLLECTIBLE MUNICIPAL WASTE.

BE it ORDAINED and ENACTED by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances § 67-211 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Definitions—Municipal Waste) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-211 Municipal Waste.

The term “municipal waste” shall mean any garbage, refuse, and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments, or from community activities, including grass clippings which are not being composted or used for mulch; any industrial lunchroom or office waste; and any sludge (other than sludge considered residual waste or hazardous waste) from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

SECTION 2. Codified Ordinances § 67-219 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Definitions—Unacceptable Waste) is amended by amending subsection (h), and adding a new subsection (n.1) after existing subsection (n), as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-219 Unacceptable Waste.

The term “unacceptable waste” shall mean any of the following materials, except for trace amounts normally found in household or commercial waste:

* * *

(h) Construction and demolition debris in excess of one C/D Unit from a given property on any single collection day. For purposes of this subsection, each of the following items shall constitute one “C/D Unit”:

(1) a plastic sack (plastic garbage bag) which is designed to store solid waste, has sufficient wall strength to maintain physical integrity when lifted by the top, does not weigh more than thirty-five (35) pounds,

including the contents, and contains only construction and demolition debris or such debris mixed with other collectible municipal waste;

(2) a receptacle (garbage can) with a capacity less than thirty-five (35) gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight fitting lid which is securely in place, having a mouth whose diameter is equal to or greater than that of the base, which does not weigh more than sixty (60) pounds, including the contents, and which contains only construction and demolition debris or such debris mixed with other collectible municipal waste. Only the contents of the receptacle shall constitute a “C/D Unit”; the receptacle itself shall not be collected from the property;

(3) a single bundle of construction and demolition debris securely tied together and forming an easily handled package not exceeding four (4) feet in length, two (2) feet in width, and two (2) feet in height, and not exceeding sixty (60) pounds in weight;

(4) one single item of construction or demolition debris which is not placed in any container and which constitutes riff-raff;

* * *

(j.1) Grass clippings in excess of one GC Unit from a given property on any single collection day. For purposes of this subsection, each of the following items shall constitute one “GC Unit”:

(1) a plastic sack (plastic garbage bag) which is designed to store solid waste, has sufficient wall strength to maintain physical integrity when lifted by the top, does not weigh more than thirty-five (35) pounds, including the contents, and contains only grass clippings or grass clippings mixed with other collectible municipal waste;

(2) a receptacle (garbage can) with a capacity less than thirty-five (35) gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight fitting lid which is securely in place, having a mouth whose diameter is equal to or greater than that of the base, which does not weigh more than sixty (60) pounds, including the contents, and which contains only grass clippings or grass clippings mixed with other collectible municipal waste. Only the contents

of the receptacle shall constitute a “GC Unit”; the receptacle itself shall not be collected from the property;

* * *

(l) Collectible recyclable materials (~~other than those described in subsections (j) or (k)~~) *but only* with respect to those materials which the Borough Council, by Ordinance or Resolution ~~requires~~ requires to be recycled (as opposed to those materials included in a purely voluntary recycling program operated by the Borough or its ~~contractor~~ Contractor);

(m) Household hazardous waste (~~other than that described in other paragraphs of this subsection R~~), *but only* with respect to those wastes included in a household hazardous waste collection program established by the County of Lehigh, or within Lehigh County, which may be utilized by residents of the Borough, *and only* with respect to those household hazardous wastes designated as “unacceptable waste” by Ordinance or Resolution of Borough Council;

* * *

(n.1) Any item which must be specially prepared for disposition in accordance with applicable statutes, regulations, determinations, orders, rulings, ordinances, resolutions, plans, and/or permits, unless all required preparations have been completed at the expense of the person desiring to dispose of the item. (Eg., Freon must be removed from refrigerators, air conditioners, and similar appliances, and an appropriate sticker must be applied to indicate that the Freon has been drained and disposed of properly.);

* * *

SECTION 3. Codified Ordinances §§ 67-302 and 67-303 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Collection and Disposition of Collectable Municipal Waste—Receptacles; Amount of Waste to be Collected) are amended as fol-

lows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-302 Receptacles.

(a) In General. All collectible municipal waste placed for collection by the Borough or its Contractor, other than riff-raff, shall be placed in bags, garbage cans, or other receptacles, which comply with all applicable regulations promulgated hereunder ~~(and which shall not, in any event, be in excess of thirty (30) gallon capacity)~~. Without limitation, such regulations may include requirements relating to size, weight, materials, and closure. In addition, Borough Council may require, by Resolution, that any or all collectible municipal waste, other than riff-raff, be placed for collection in special bags or other receptacles sold or supplied by the Borough or its agents, and/or that any or all receptacles and/or riff-raff placed for the collection of municipal waste bear a special tag, sticker, or similar device, sold or supplied by the Borough or its agents. These special receptacles or devices may be required to assist in implementing a “per bag” fee program, to accommodate any handling, collection, transportation, or disposition concerns, to reduce the costs of collection, transportation, or disposition, or to accomplish any other proper purpose related to the municipal waste collection program.

(b) Initial Rules. Until changed by regulations authorized under this Chapter, the following rules apply to collectible municipal waste placed for collection by the Borough or its Contractor:

(1) Except for riff-raff and bundles of construction and demolition debris described in § 67-219(h)(3), all collectible municipal waste must be placed for collection in one or more of the following containers:

(A) a plastic sack (plastic garbage bag) which is designed to store solid waste, has sufficient wall strength to maintain physical integrity when lifted by the top, and does not weigh more than thirty-five (35) pounds, including the contents;

(B) a receptacle (garbage can) with a capacity less than thirty-five (35) gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight fitting lid capable of preventing entrance into the container by vectors which is securely in place, having a mouth whose diameter is equal to or greater than that of the base, and which does not weigh more than sixty (60) pounds, including the contents. The receptacle itself shall not be collected from the property;

(C) a dumpster of a type and size reasonably acceptable to the Borough or its Contractor, and actually accepted by the Borough or its Contractor. Any such dumpster shall be kept in good repair, appearance, and in a sanitary condition at all times, and such that neither objectionable odors, noxious gasses, nor putrescent liquid shall escape therefrom.

(2) Collectible municipal waste for a given property must be placed for collection on the property or an abutting public right-of-way (but not within a street cartway or in any fashion which blocks the use of a sidewalk), and at a point which is no more than ten (10) feet from a public street or alley curb line and is accessible to the Borough or its Contractor at ground level.

(3) Notwithstanding paragraph (2), if a dumpster is utilized for the collection of collectible municipal waste, the dumpster may be placed in any location accessible by and acceptable to the Borough or its Contractor, and which is not otherwise prohibited under any applicable statute, regulation, rule, ordinance, resolution, ruling, order, decision, decree, deed, lease, contract, deed restriction, recorded plan, or other legally-binding limitation.

§ 67-303 Amount of Waste to be Collected.

Borough Council may establish, by Resolution or by the terms of a contract with a Contractor under § 67-601, the maximum amount and/or types of collectible municipal waste which will be collected by the Borough or its Contractor from any given property, over the course of a year and/or at any particular collection, in consideration for the payment of any specific fee established under § 67-701. The Borough or its Contractor

will collect all of the collectible municipal waste generated or present on that property upon the payment of proper fees, but may refuse, at any time, to collect any collectible municipal waste which is in excess of the maximum amount for which a fee has been paid and/or of a different type than that for which a fee has been paid.

SECTION 4. Codified Ordinances § 67-401 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Collection and Disposition of Collectable Recyclable Materials—Collectible Recyclable Materials) is amended by amending subsection (e) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-401 Collectible Recyclable Materials.

* * *

(e) **Voluntary Collectible Recyclable Materials.** Borough Council may, from time to time, by Ordinance or Resolution, designate other recyclable materials as voluntary collectible recyclable materials. Borough Council may also designate certain recyclable materials as voluntary collectible recyclable materials for some types of property uses in the Borough (*e.g.*, commercial, municipal, institutional, industrial, community activities, or residential) but not others. (For example, high grade office paper and corrugated paper may be designated as voluntary collectible recyclable materials with respect to commercial, municipal, institutional, and industrial uses, but not residential uses.) Until changed by Ordinance or Resolution, the following materials are voluntary collectible recyclable materials which will be collected by the Borough or its Contractor: ~~clear glass, colored glass, aluminum, bimetallic cans, and plastics.~~ aluminum, steel, tin, or bi-metallic food or beverage containers (not including aerosol cans, pots or pans, or aluminum foil); clear or colored glass food or beverage containers (not including ceramics, drinking glasses, window glass, or

mirror glass); and #1 (PET or PETE) or #2 (HDPE) plastic containers for food, beverages, laundry, or cleaning items (not including styrofoam, clay pots, or plastic bags). ~~The Borough anticipates designating high grade office paper and corrugated paper as voluntary collectible recyclable materials with respect to commercial, municipal, institutional, and industrial uses and community activities, at some time in the future.~~

SECTION 5. Codified Ordinances §§ 67-402 and 67-403 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Collection and Disposition of Collectable Municipal Waste—Collection Time and Location; Separation or Commingling) are amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-402 Collection Time and Location.

The Borough will collect mandatory and voluntary collectible recyclable materials at such times and in such locations as may be established by regulations promulgated under this Chapter. Until changed by such regulations, newsprint shall be collect at curbside once every other week; leaf waste shall be collected at ~~an a single identified location behind Borough Hall identified by the Borough;~~ grass clippings which are to be placed for voluntary recyclable collection shall be collected at a single location identified by the Borough; ~~and clear glass, colored glass, aluminum, bimetallic cans, and plastics~~ the voluntary collectible recyclable materials under § 67-401(e) shall be collected at curbside once every other week.

§ 67-403 Separation or Commingling.

Mandatory collectible recyclable materials shall be separated from collectible municipal waste and stored until collection or other disposition. Voluntary collectible recyclable materials which are to be recycled shall

also be separated from collectible municipal waste and stored until collection or other disposition. Regulations promulgated under this Chapter may require the separation of certain collectible recyclable materials from other collectible recyclable materials, or permit the commingling of certain collectible recyclable materials. Until changed by such regulations, newsprint shall be separated from all other materials (except, if the Borough's Contractor shall so permit, magazines, junk mail, cardboard (flattened and bundled), and/or phone books may be placed with newsprint); leaf waste shall be separated from all other materials; grass clippings which are to be placed for voluntary recyclable collection shall be separated from all other materials; and ~~clear glass, colored glass, aluminum, bimetallic cans, and plastics~~ the voluntary collectible recyclable materials under § 67-401(e) may be commingled, but otherwise separated from all other materials.

SECTION 6. Codified Ordinances § 67-404 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Collection and Disposition of Collectable Municipal Waste—Receptacles) is amended by amending subsection (b) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-404 Receptacles.

* * *

(b) Initial Rules. Until changed by regulations authorized under this Chapter, the following rules apply to collectible recyclable materials to be placed for collection by the Borough or its Contractor:

(1) Newsprint (and any items permitted by the Contractor to be bundled with newsprint under § 67-403) shall be bundled into bundles ~~not more than two feet thick~~, and not otherwise placed in bags or other receptacles. Each bundle shall be securely tied together to form an easily

handled package not exceeding three (3) feet in length, two (2) feet in height, or sixty (60) pounds in weight.

(2) Leaf waste ~~shall be placed in authorize biodegradable bags sold by the Borough or its agents~~ shall only be deposited at the single location specified by the Borough for the collection of leaf waste, and only in a dumpster identified for leaf waste.

(2.1) Grass clippings which are not being composted, mulched, or placed with collectible municipal waste, shall only be deposited at the single location specified by the Borough for the collection of grass clippings, and only in a dumpster identified for grass clippings.

(3) ~~Clear glass, colored glass, aluminum, bimetallic cans, and plastics~~ The voluntary collectible recyclable materials under § 67-401(e) shall be placed in authorized recycling containers supplied or sold by the Borough.

(4) Collectible recyclable materials that are to be collected “at curbside” must be placed for collection at a point which is no more than ten (10) feet from a public street or alley curb line, and which is accessible to the Borough or its Contractor at ground level.

SECTION 7. Codified Ordinances § 67-701(h) (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Fees—Schedule of Fees) is amended by adding a new paragraph (3) to subsection (h) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-701 Schedule of Fees.

* * *

(h) Current Fee Schedule. Unless and until changed or supplemented by action under the preceding subsections of this § 67-701, the

schedule of fees for the services provided under this Chapter shall be as follows:

* * *

(3) Excess Volume. In addition to the fees payable under paragraphs (1) and (2), if an owner or occupant of a property in the Borough requires the collection and disposal of collectible municipal waste generated on that property in excess of the maximum amount which the Contractor is required to collect from that property under the terms of its contract with the Borough without the payment of an additional fee to the Contractor, then the owner or occupant shall make advance arrangements with the Executive Secretary for the collection of such excess, and shall pay the Borough, in advance, an amount equal to the amount which the Borough must pay the Contractor for the collection of such excess.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 28th day of December, 2005, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Steven R. Hill, President

Attest:

Melanie Hansen, Executive Secretary

AND NOW, this 28th day of December, 2005, the above Ordinance is hereby
APPROVED.

Russell J. Afflerbach, Mayor