

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 479

(Duly Adopted December 29, 2008)

AN ORDINANCE AMENDING CHAPTER 67 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO MUNICIPAL SOLID WASTE, RECYCLABLES, AND OTHER REFUSE) TO REVISE THE DEFINITION OF “COLLECTIBLE RECYCLABLE MATERIALS” TO INCLUDE MATERIALS IN PROGRAMS OPERATED BY OR ON BEHALF OF THE BOROUGH OR ITS CONTRACTOR; TO PROVIDE THAT DURING ANY PERIOD FOR WHICH THE BOROUGH HAS MADE ARRANGEMENTS PERMITTING PERSONS TO DROP OFF GRASS CLIPPINGS GENERATED IN THE BOROUGH AT NO COST AT A YARD WASTE COMPOSTING CENTER LOCATED WITHIN FIVE MILES OF THE BOROUGH, GRASS CLIPPINGS MAY NOT BE PLACED FOR COLLECTION WITH CURBSIDE GARBAGE AND ARE A MANDATORY COLLECTIBLE RECYCLABLE MATERIAL WHICH MUST BE DEPOSITED AT THE YARD WASTE COMPOSTING CENTER; TO PROVIDE THAT THE METAL, GLASS, AND PLASTIC MATERIALS WHICH WERE PREVIOUSLY VOLUNTARY COLLECTIBLE RECYCLABLE MATERIALS ARE NOW MANDATORY COLLECTIBLE RECYCLABLE MATERIALS; TO PROVIDE THAT OTHER RECYCLABLE MATERIALS WHICH THE BOROUGH’S CONTRACTOR PERMITS TO BE COLLECTED FOR RECYCLING ARE VOLUNTARY COLLECTIBLE RECYCLABLE MATERIALS; AND TO PERMIT CERTAIN COLLECTIBLE RECYCLABLE MATERIALS TO BE PLACED IN EITHER A RECYCLING CONTAINER SUPPLIED OR SOLD BY THE BOROUGH OR IN A CONTAINER TO WHICH A RECYCLING STICKER SUPPLIED OR SOLD BY THE BOROUGH HAS BEEN AFFIXED; AND REVISING ALBURTIS CODIFIED ORDINANCES § 93-201 TO REDUCE THE MAXIMUM PERMITTED HEIGHT OF RESTRICTED VEGETATION FROM TWELVE INCHES TO EIGHT INCHES.

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

SECTION 1. Codified Ordinances § 67-204 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Definitions—Collectible Recyclable Materials) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-204 Collectible Recyclable Materials.

The term “collectible recyclable materials” shall mean any recyclable materials included in a voluntary or mandatory recycling program established by the Borough and operated by or on behalf of the Borough or its Contractor.

SECTION 2. 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 ~~waster~~ 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 3. Codified Ordinances § 67-219 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Definitions—Unacceptable Waste) is amended by amending subsection (j.1), 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:

* * *

(j.1) Grass clippings, during any period for which the Borough has made arrangements permitting persons to drop off grass clippings generated in the Borough at no cost at a yard waste composting center located within five (5) miles of the Borough. During any period for which such an arrangement is not in effect, grass clippings in excess of one GC Unit from a given property on any single collection day shall be considered “unacceptable waste.” 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.

* * *

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 subsections (c), (d), and (e) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-401 Collectible Recyclable Materials.

* * *

(c) **Grass Clippings.** During any period for which the Borough has made arrangements permitting persons to drop off grass clippings generated in the Borough at no cost at a yard waste composting center located within five (5) miles of the Borough, grass clippings are hereby declared to be a mandatory collectible recyclable material. During any period for which such an arrangement is not in effect, grass Grass clippings are not required to be recycled, but shall be a voluntary collectible recyclable material. The Borough encourages composting and/or mulching of grass clippings by property owners to remove grass clippings from the waste stream.

(d) **Other Mandatory Collectible Recyclable Materials.** The following items are hereby designated as mandatory collectible recyclable materials: 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). ~~Borough Council may, from time to time, by Ordinance or Resolution, designate other recyclable materials as mandatory collectible recyclable materials. Borough Council may also designate certain recyclable materials as mandatory 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 mandatory collectible~~

~~recyclable materials with respect to commercial, municipal, institutional, and industrial uses, but not residential uses.)~~

(e) **Voluntary Collectible Recyclable Materials.** Council hereby designates as voluntary collectible recyclable materials any recyclable materials (other than mandatory collectible recyclable materials) which the Contractor permits to be separated from collectible municipal waste and collected by the Contractor for recycling. These materials may include, but are not limited to, magazines, junk mail, phone books, high grade office paper, and corrugated paper/cardboard. 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: 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).~~

SECTION 5. Codified Ordinances §§ 67-402 and 67-403 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Collection and Disposition of Collectible 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 or its Contractor 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 a single location 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 the voluntary collectible recyclable materials under § 67-401(e) shall be collected at curbside once every other week. ;~~

(a) All mandatory or voluntary collectible recyclable materials, other than leaf waste and grass clippings, shall be collected at curbside every other week.

(b) During any period for which the Borough has made arrangements permitting persons to drop off leaf waste and grass clippings generated in the Borough at no cost at a yard waste composting center located within five (5) miles of the Borough, the leaf waste and grass clippings shall be collected at such composting center during its regular operating hours.

(c) During any period for which an arrangement described in subsection (b) is not in effect, grass clippings which are to be placed for voluntary recyclable collection, and leaf waste, shall be collected in separate dumpsters at a location(s) within the Borough designated by the Borough.

§ 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), 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 the voluntary collectible recyclable materials under § 67-401(e) may be commingled, but otherwise separated from all other materials.;

(a) the mandatory collectible recyclable materials under § 67-401(d) may be commingled, but otherwise they must be separated from all other materials;

(b) newsprint and the voluntary collectible recyclable materials under the first sentence of § 67-401(e) which are to be placed for recyclable collection may be commingled, but otherwise they must be separated from all other materials;

(c) leaf waste shall be separated from all other materials; and

(d) grass clippings which are to be placed for mandatory or voluntary recyclable collection shall be 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 or on behalf of the Borough or its Contractor:

(1) Newsprint and the voluntary collectible recyclable materials under the first sentence of § 67-401(e) which are to be placed for recyclable collection (and any items permitted by the Contractor to be bundled with newsprint under § 67-403) shall be bundled into bundles, 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) (A) During any period for which the Borough has made arrangements permitting persons to drop off leaf waste and grass clippings generated in the Borough at no cost at a yard waste composting center located within five (5) miles of the Borough, the leaf waste and grass clippings shall be deposited at such composting center in accordance with the rules of the composting center.

(B) During any period for which the arrangement described in subparagraph (A) is not in effect:

(i) Leaf waste 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)**~~ **(ii)** 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) The ~~voluntary~~ mandatory collectible recyclable materials under § 67-401(e)(d) shall be placed in authorized recycling containers supplied or sold by the Borough, or in containers to which a recycling sticker supplied or sold by the Borough has been affixed.

(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 § 93-201 (relating to Miscellaneous Regulations—Weed Control—Prohibitions and Duties—Restricted Vegetation) is amended by amending subsection (b) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 93-201 Restricted Vegetation.

No person owning or occupying any property within the Borough shall permit any Restricted Vegetation to grow or remain upon such property at a height in excess of ~~twelve inches (12”)~~ eight inches (8”). Any Restricted Vegetation in violation of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, comfort, and general welfare of the inhabitants of the Borough.

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DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 29th day of December, 2008, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 29th day of December, 2008, the above Ordinance is hereby
APPROVED.

Robert W. Mader, Mayor