
Chapter 67 — Municipal Solid Waste, Recyclables, and Other Refuse

Article I — Title

§ 67-101	Short Title.....	67-5
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Article II — Definitions

§ 67-201	In General.....	67-5
§ 67-202	Borough.....	67-5
§ 67-203	Collectible Municipal Waste.....	67-5
§ 67-204	Collectible Recyclable Materials.....	67-5
§ 67-205	Construction and Demolition Debris.....	67-6
§ 67-206	Contractor.....	67-6
§ 67-207	Hazardous Waste.....	67-6
§ 67-208	Household Hazardous Waste.....	67-6
§ 67-209	Infectious or Chemotherapeutic Waste.....	67-6
§ 67-210	Leaf Waste.....	67-7
§ 67-211	Municipal Waste.....	67-7
§ 67-212	Person.....	67-7
§ 67-213	Recyclable Materials.....	67-7
§ 67-214	Refuse.....	67-7
§ 67-215	Residual Waste.....	67-7
§ 67-216	Riff-raff.....	67-8
§ 67-217	Source-separated Recyclable Materials.....	67-8
§ 67-218	Special Handling Waste.....	67-8
§ 67-219	Unacceptable Waste.....	67-8

Article III — Collection and Disposition of Collectable Municipal Waste

§ 67-301	Municipal Collection Program.....	67-10
§ 67-302	Receptacles.....	67-10
§ 67-303	Amount of Waste to be Collected.....	67-10
§ 67-304	Refusal to Collect Waste.....	67-10
§ 67-305	Permits for Private Disposal of Collectable Municipal Waste.....	67-11
§ 67-306	Disposal Facilities.....	67-11

Article IV — Collection and Disposition of Collectable Recyclable Materials

§ 67-401	Collectible Recyclable Materials.....	67-12
	(a) Newsprint.....	67-12
	(b) Leaf Waste.....	67-12
	(c) Grass Clippings.....	67-12
	(d) Other Mandatory Collectible Recyclable Materials.....	67-12
	(e) Voluntary Collectible Recyclable Materials.....	67-12
§ 67-402	Collection Time and Location.....	67-12
§ 67-403	Separation or Commingling.....	67-13
§ 67-404	Receptacles.....	67-13
	(a) In General.....	67-13
	(b) Initial Rules.....	67-13
§ 67-405	Right to Recycle Outside of the Borough Program.....	67-14
§ 67-406	Multi-family Rental Unit Owners.....	67-14

Article V — Disposition of Unacceptable Waste

§ 67-501	No Collection by Borough Program.....	67-14
§ 67-502	Responsibility for Disposition.....	67-14

Article VI — Administration of Borough Program

§ 67-601	Contractors.....	67-15
§ 67-602	Regulations.....	67-15
§ 67-603	Supervision.....	67-15
§ 67-604	Ownership of Refuse Set Out or Deposited for Collection Under the Borough Program.....	67-16

Article VII — Fees

§ 67-701	Schedule of Fees.....	67-16
	(a) In General.....	67-16
	(b) Methods of Imposing Fees.....	67-16
	(c) Differentiation among Properties.....	67-16
	(d) All Properties Charged for "Per Property" Fees.....	67-16
	(e) Sales of Required Receptacles.....	67-16
	(f) Incentives.....	67-16
	(g) Limitation on Amount of Fees.....	67-17
	(h) Current Fee Schedule.....	67-17
	(1) Residential.....	67-17
	(2) Nonresidential.....	67-17
§ 67-702	Responsibility for Fees.....	67-17
§ 67-703	Billing and Collection of Fees; Penalties.....	67-17
	(a) Rendering of Bills.....	67-17
	(b) Due Date.....	67-18
	(c) Late Payment Penalties.....	67-18
	(d) Collection.....	67-18
§ 67-704	Receipt of Fees.....	67-18

Article VIII — Prohibited Acts

§ 67-801	Unauthorized Collection, etc.....	67-18
§ 67-802	Outdoor Placement of Refuse.....	67-18
§ 67-803	Dumping.....	67-19
	(a) Refuse Generated Off-Site.....	67-19
	(b) Recyclable Materials Generated Off-Site.....	67-19
	(1) Individual Properties.....	67-19
	(2) Borough Recycling Program.....	67-19
	(c) Public Waste Receptacles.....	67-19
	(d) Exceptions.....	67-20
§ 67-804	Accumulations of Refuse.....	67-20
§ 67-805	Removal of Receptacle Covers; Removal of Refuse.....	67-20
§ 67-806	Removal of Recyclable Materials.....	67-20
§ 67-807	Pollution of Water.....	67-20
§ 67-808	Attempted Disposal of Unacceptable Waste with Collectible Municipal Waste.....	67-21
§ 67-809	Adulteration of Drop-Off Recyclables.....	67-21
§ 67-810	Adulteration of Curbside Recyclables.....	67-21
§ 67-811	Diversion of Collectible Municipal Waste from the Borough Collection Program.....	67-21

Article IX — Enforcement

§ 67-901	Violations and Penalties.....	67-22
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Appendix

¶ 67-A	Disposition of Ordinance 118.....	67-22
¶ 67-B	Disposition of 1981 Code, Chapter 71 (prior to Ord. 294).....	67-22
¶ 67-C	Disposition of 1981 Code, Chapter 71 (after Ord. 294).....	67-23
¶ 67-D	Disposition of Ordinance 273.....	67-24
¶ 67-E	Disposition of Ordinance 342, §§ 10 and 11.....	67-24
¶ 67-F	Source Ordinances.....	67-25
¶ 67-G	Prior Ordinances Concerning Related Subject Matter.....	67-25
¶ 67-H	Current Contract for Collection and Disposal of Waste and Recyclables.....	67-25
¶ 67-I	Prior Contracts for Collection and Disposal of Waste and Recyclables.....	67-26

Article I – Title

§ 67-101 Short Title.

This Chapter shall be known, and may be cited, as the “Alburtis Municipal Solid Waste, Recyclables, and Other Refuse Ordinance.”

Article II – Definitions

§ 67-201 In General.

For purposes of this Chapter, the terms defined in the remaining sections of this Article II shall have the meanings indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

§ 67-202 Borough.

The term “Borough” shall mean the Borough of Alburtis, Lehigh County, Pennsylvania. Depending on the context, the term shall either refer to the geographic area included within the boundaries of the Borough, or the municipal corporation.

§ 67-203 Collectible Municipal Waste.

The term “collectible municipal waste” shall mean all municipal waste except:

- (a) Unacceptable waste; and
- (b) Source-separated recyclable materials, whether separated for recycling under a program operated or contracted by the Borough or under any other recycling program.

§ 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 the Borough or its Contractor.

§ 67-205 Construction and Demolition Debris.

The term “construction and demolition debris” shall mean wastes generated by construction or demolition operations, which may include, without limitation, concrete, dirt, stones, bricks, plaster, wood, shingles, and pipe.

§ 67-206 Contractor.

The term “Contractor” shall mean the person serving, at any given time, as the contractor of the Borough for the collection, transportation, and disposition of collectible municipal waste and/or other refuse under the provisions of this Chapter.

§ 67-207 Hazardous Waste.

The term “hazardous waste” shall mean any material or substance which, by reason of its quantity, concentration, composition, or characteristics, is:

(a) “hazardous waste” within the meaning of the Solid Waste Management Act, 35 PA. STAT. ANN. § 6018.101, *et seq.*;

(b) toxic or hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. § 6901, *et seq.*, and the regulations thereunder;

(c) material regulated by the Toxic Substance Control Act, 15 U.S.C. § 2601, *et seq.*, and the regulations thereunder; or

(d) special nuclear by-products material within the meaning of the Atomic Energy Act of 1954, 42 U.S.C. § 2011, *et seq.*, and the regulations thereunder.

§ 67-208 Household Hazardous Waste.

The term “household hazardous waste” shall mean any waste that would be considered hazardous under the Solid Waste Management Act, 35 PA. STAT. ANN. § 6018.101, *et seq.*, but for the fact that it is produced in quantities smaller than those regulated under that Act and is generated by persons not otherwise covered by that Act (*e.g.*, household paints, antifreeze, bleach, cleaners, polishes, insecticides, pesticides, disinfectants, chemicals, and batteries).

§ 67-209 Infectious or Chemotherapeutic Waste.

The term “infectious or chemotherapeutic waste” shall mean any waste considered as “infectious” or “chemotherapeutic” waste under the Act of July 13, 1988, No. 93, 1988 Pa. Laws 525, as amended, 35 PA. STAT. ANN. § 6019.1, *et seq.*

§ 67-210 Leaf Waste.

The term “leaf waste” shall mean leaves, garden residues, shrubbery, and tree trimmings, and similar material, but not including grass clippings.

§ 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; 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.

§ 67-212 Person.

The term “person” shall mean a natural person, firm, copartnership, association, church, school, institution, or corporation.

§ 67-213 Recyclable Materials.

The term “recyclable materials” shall mean any materials whose original use has been completed, and which would otherwise be discarded and disposed of or processed as municipal waste, but which can be processed or treated to create or recover reusable materials that can be sold to or reused by a manufacturer or other person as a substitute for or a supplement to virgin raw materials. Recyclable materials include, without limitation, newsprint, corrugated paper, high grade office paper, plastics, leaf wastes, clear glass, colored glass, steel and bimetal cans, aluminum, and grass clippings.

§ 67-214 Refuse.

The term “refuse” shall mean municipal waste, residual waste, hazardous waste, and source-separated recyclable materials. However, leaf waste and/or grass clippings which are being composted or used for mulch shall not be considered “refuse”.

§ 67-215 Residual Waste.

The term “residual waste” shall mean any garbage, refuse, other discarded material, or other waste, including solid, liquid, semisolid, or contained gaseous materials, resulting from industrial, mining, or agricultural operations, and any sludge from an industrial, mining, or agricultural water supply treatment facility, waste water 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, 52 PA. STAT. ANN. § 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, 35 PA. STAT. ANN. § 691.1, *et seq.*

§ 67-216 Riff-raff.

The term “riff-raff” shall mean all collectible municipal waste which is too large for collection in a twenty-one-gallon container, including, without limitation, Christmas trees, furniture, bedding, tanks, large appliances (such as televisions, stoves, refrigerators, washers, and dryers), large dead animals, tree trimmings, etc.

§ 67-217 Source-separated Recyclable Materials.

The term “source-separated recyclable materials” shall mean recyclable materials that are separated from municipal waste at the point of origin for the purpose of recycling.

§ 67-218 Special Handling Waste.

The term “special handling waste” shall mean any municipal waste for which any governmental agency or unit having appropriate jurisdiction requires special approval (other than that generally required for municipal waste) prior to disposal in a permitted municipal waste disposal facility, including, without limitation, asbestos, sludge, and infectious or chemotherapeutic waste.

§ 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:

- (a) Hazardous waste;
- (b) Residual waste;
- (c) Special handling waste;
- (d) Infectious or chemotherapeutic waste, or any wearing apparel, bedding or refuse from premises where highly infectious or contagious diseases have prevailed;
- (e) Used motor oil;
- (f) Used lead acid batteries;
- (g) Used tires, *but only* if the Borough Council shall adopt an Ordinance or Resolution finding that there is a reasonably accessible on-going program for recycling used tires generated

in the Borough *and only* during the period that such an Ordinance or Resolution shall remain in force;

(h) Construction and demolition debris;

(i) Free liquids, or liquids which are likely to be released from their containers during ordinary handling;

(j) Leaf waste;

(k) Newsprint;

(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 to be recycled (as opposed to those materials included in a purely voluntary recycling program operated by the Borough or its 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) Any highly flammable or explosive materials;

(o) Any material that, by reason of its composition, characteristics, quantity, or concentration, is ineligible for disposal at the disposal facility(ies) selected by the Borough and/or the Contractor, pursuant to:

(1) the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901, *et seq.*, and the regulations thereunder;

(2) the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136, *et seq.*, and the regulations thereunder;

(3) the Federal Water Pollution Control Act, 33 U.S.C. § 1251, *et seq.*, and the regulations thereunder;

(4) the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.*, and the regulations thereunder;

(5) the Hazardous Sites Cleanup Act, 35 PA. STAT. ANN. § 6020.101, *et seq.*, and the regulations thereunder; or

(6) any other applicable statute, regulation, determination, order, ruling, ordinance, resolution, plan, or permit; and

(p) Any other material that presents an endangerment to the disposal facility described in subsection (o), the employees of the Borough or the Contractor, or to the public health or safety.

Article III — Collection and Disposition of Collectable Municipal Waste

§ 67-301 Municipal Collection Program.

Except as provided in § 67-305, all collectible municipal waste generated or present within the Borough shall be collected, transported, and disposed of by the Borough or its Contractor. All persons within the Borough of Alburdis shall dispose of collectible municipal waste by the municipal collection service only.

§ 67-302 Receptacles.

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.

§ 67-303 Amount of Waste to be Collected.

Borough Council may establish, by Resolution, 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.

§ 67-304 Refusal to Collect Waste.

The Borough or its Contractor may refuse, at any time, to collect any collectible municipal waste if that waste is presented in such a way as to violate any of the provisions of this Chapter and/or the regulations promulgated hereunder. The refusal of the Borough or its Contractor to collect any collectible municipal waste from any particular property at any particular time,

whether under this section or under § 67-303, shall in no manner relieve the property owner or the person generating the waste from his/her/its obligations under this Chapter, including, without limitation, his/her/its obligations to dispose of all collectible municipal waste through the municipal collection system, to not allow any accumulations of refuse other than for the purpose of collection in a timely manner, and to not permit or engage in any actions or inactions prohibited under Article VIII.

§ 67-305 Permits for Private Disposal of Collectable Municipal Waste.

If a property owner has compelling reasons (other than purely financial) for desiring to dispose of any or all of his/her/its collectible municipal waste by a means other than the municipal collection system, he/she/it may apply for a permit from Borough Council for this privilege. Borough Council shall only grant such a permit if it finds that the reasons advanced are truly compelling and that the property owner's proposed method of collection, transportation, and disposal is acceptable, considering the Borough's obligations and potential liability with respect to municipal waste under applicable state and/or federal law. At a minimum, the property owner shall provide proof to Borough Council that all necessary licenses have been obtained and that capacity is available for the property owner in a permitted disposal facility. The decision to grant or deny a permit under this section shall be purely discretionary on the part of Borough Council, and may be conditioned in any relevant manner. No permit shall be for a period in excess of one (1) year, and all permits may be revoked or suspended at any time for cause. (The Borough Secretary is hereby authorized to suspend any such permit for cause in exigent circumstances until the next regularly scheduled meeting of Borough Council.) Borough Council may, by Resolution, establish an application fee and/or a permit fee to cover the Borough's reasonable expenses in reviewing permit applications and/or administering permits under this section. All or part of the fees established under § 67-701 *may* be waived by Borough Council, in its absolute discretion, as one of the terms of the permit, *but only* if and to the extent that the costs to the Borough of operating the municipal collection system are expected to be reduced as a result of the diversion of collectible municipal waste in accordance with the permit.

§ 67-306 Disposal Facilities.

All collectible municipal waste generated, collected, and transported from within the jurisdictional limits of the Borough shall be disposed of in accordance with all applicable provisions of law, including the then-applicable Solid Waste Management Plan of the County of Lehigh. (If any person believes that any provision of law, regulation, or the Solid Waste Management Plan is unenforceable, he shall nonetheless comply with such provision until a final order is entered declaring the provision unenforceable, except during any period for which temporary relief from the enforcement of the provision is granted by a court of appropriate jurisdiction.) No such collectible municipal waste may be transported to or disposed of in any disposal facility without the prior written approval of that disposal facility by the Borough (which approval will not be unreasonably withheld).

Article IV — Collection and Disposition of Collectable Recyclable Materials

§ 67-401 Collectible Recyclable Materials.

(a) **Newsprint.** Newsprint is hereby declared to be a mandatory collectible recyclable material.

(b) **Leaf Waste.** Leaf waste is hereby declared to be a mandatory collectible recyclable material. The Borough encourages composting of leaf waste by property owners to remove leaf waste from both the waste stream and recycling collection.

(c) **Grass Clippings.** Grass clippings are not required to be recycled. 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.** 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.** 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. 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.

§ 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 collected at curbside once every other week; leaf waste shall be collected at an identified location behind Borough Hall; and clear glass,

colored glass, aluminum, bimetallic cans, and plastics 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; leaf waste shall be separated from all other materials; and clear glass, colored glass, aluminum, bimetallic cans, and plastics may be commingled, but otherwise separated from all other materials.

§ 67-404 Receptacles.

(a) **In General.** All collectible recyclable materials placed for collection by the Borough or its Contractor shall be placed in bags, garbage cans, or other receptacles, which comply with all applicable regulations promulgated under this Chapter. 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 recyclable materials placed for collection by the Borough or its Contractor 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 or bundles placed for the collection of collectible recyclable materials by the Borough or its Contractor 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 recyclable material collection program.

(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 shall be bundled into bundles not more than two feet thick, and not otherwise placed in bags or other receptacles.

(2) Leaf waste shall be placed in authorized biodegradable bags sold by the Borough or its agents.

(3) Clear glass, colored glass, aluminum, bimetallic cans, and plastics shall be placed in authorized recycling containers supplied or sold by the Borough.

§ 67-405 Right to Recycle Outside of the Borough Program.

No person shall be required to place any mandatory or voluntary collectible recyclable materials for collection by the Borough or its Contractor. Any person may arrange to have collectible recyclable materials collected and recycled by others, and may retain any profit realized through such recycling, *provided* that if any person operating a commercial, municipal, institutional, or industrial use or a community activity desires to recycle any mandatory or voluntary collectible recyclable materials outside of the municipal collection system, the person must provide the Borough with quarterly statements of the tonnage of materials so recycled, with accompanying documentation.

§ 67-406 Multi-family Rental Unit Owners.

With respect to any particular item of collectible municipal waste or mandatory collectible recyclable material generated or present on any property in the Borough, the owner(s) of the property, the occupant(s) of the property, and any other persons generating such item, shall be jointly and severally responsible for complying with the provisions of this Chapter and the regulations promulgated hereunder. However, if the owner, landlord, or agent of an owner or landlord of multifamily rental housing properties with four (4) or more units establishes a collection system for all mandatory and voluntary recyclable materials at each property, including suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system, such person shall not be responsible for any violations of the recycling provisions of this Chapter by the occupants of the properties.

Article V — Disposition of Unacceptable Waste

§ 67-501 No Collection by Borough Program.

No unacceptable waste shall be deposited for collection by the Borough or its Contractor, except that mandatory collectible recyclable materials may be deposited for collection in accordance with the regulations concerning the municipal recycling program.

§ 67-502 Responsibility for Disposition.

With respect to any particular item of unacceptable waste generated or present on any property in the Borough, the owner(s) of the property, the occupant(s) of the property, and any other persons generating such item, shall be jointly and severally responsible for transporting and disposing, or arranging for the transportation and disposal, of such item in accordance with all applicable federal, state, county, or local statutes, laws, regulations, rulings, plans, determinations, ordinances, resolutions, orders, licenses, and permits.

Article VI — Administration of Borough Program

§ 67-601 Contractors.

Borough Council is hereby authorized to contract for the performance of any or all of the services to be provided by the Borough under this Chapter, and to award a contract therefor from time to time for such period of time as shall be determined by Borough Council. Separate contracts *may*, but need not, be made for collectible municipal waste and for any or all collectible recyclable materials. Any such contract shall require the contractor to assume all responsibility for the collection of the collectible municipal waste and/or one or more collectible recyclable materials in the Borough of Alburdis in accordance with the provisions of this Chapter and regulations, orders, and specifications provided under the authority of this Chapter, and to transport and dispose of all such refuse beyond and outside the boundaries of the Borough of Alburdis. The contract may fix and regulate, in a manner not inconsistent with the terms of this Chapter, the manner, method, and time of collecting and transporting refuse, the type of equipment required for the purpose, the price to be paid for the performance of said contract, the time or times for the payment thereof, and any other matters germane to refuse collection, transportation, or disposition.

§ 67-602 Regulations.

To the extent not already governed by a current contract with a Contractor, the Borough Council shall have authority to make regulations concerning the days of collection, type and location of waste receptacles, and such other matters described in or relevant to this Chapter or which otherwise pertain to refuse collection, transportation, and disposition, as the Borough Council may deem advisable, *provided* that such regulations are not contrary to the provisions of this Chapter or any other Ordinance or Resolution. Borough Council may modify any of such regulations from time to time, subject to the terms of any current contract with a Contractor. The Borough Secretary is hereby authorized to issue any temporary regulations under this Chapter which may be necessary, to be effective until the second regular meeting of Borough Council following the issuance of the temporary regulations, unless sooner rescinded by motion adopted by Borough Council.

§ 67-603 Supervision.

The collection, transportation, and disposal of collectible municipal waste in the Borough of Alburdis, and collectible recyclable materials presented for disposition by the Borough or its Contractor, shall be under the supervision of the Borough Secretary. The Borough Secretary shall periodically provide notice of the requirements of this Chapter and any regulations promulgated hereunder to the property owners, residents, and occupants of property in the Borough, in any manner deemed effective by the Borough Secretary.

§ 67-604 Ownership of Refuse Set Out or Deposited for Collection Under the Borough Program.

The ownership of all collectible municipal waste and collectible recyclable materials set out or deposited for collection by the Borough or its Contractor shall be vested in the Borough of Alburdis. All profits realized with respect to such materials shall be the property of the Borough or its Contractor (if agreed by the Borough).

Article VII — Fees

§ 67-701 Schedule of Fees.

(a) **In General.** Borough Council is hereby authorized to establish, from time to time, by Resolution, a schedule of fees for the services provided under this Chapter to be imposed with respect to each developed property in the Borough on which solid municipal waste is generated or present (including industrial properties generating lunchroom or office waste), and/or with respect to each bag, receptacle, or other unit of collectible municipal waste or collectible recyclable materials placed for collection by the Borough or its Contractor.

(b) **Methods of Imposing Fees.** Different methods of imposing fees may be charged with regard to different materials (*e.g.*, a “per bag” fee may be charged for leaf waste while a “per property” fee is charged for collectible municipal waste or other collectible recyclable materials), different methods of collection (*e.g.*, drop-off or curbside), or different volume levels (*e.g.*, a base fee for basic service, plus an additional fee [whether “per bag” or an annual fee] for additional volume).

(c) **Differentiation among Properties.** Different fees may be charged with respect to properties with different types of use (*e.g.*, residential, commercial, municipal, school, institutional, etc.), properties which generate different volumes of refuse, and/or properties which may be differentiated by any other reasonable criteria.

(d) **All Properties Charged for “Per Property” Fees.** Any “per property” fee shall be collected with respect to a property regardless of whether the property owner elects to utilize the services provided under this Chapter, except as provided under § 67-305 (relating to permits for private disposal of collectable municipal waste).

(e) **Sales of Required Receptacles.** A “per bag” fee may be imposed by charging a premium for authorized bags or other authorized receptacles sold for use in the Borough program for collecting collectible municipal waste and/or collectible recyclable materials, in addition to the cost of such bags or receptacles.

(f) **Incentives.** Any fee schedule may include incentives to encourage the recycling of collectible recyclable materials.

(g) Limitation on Amount of Fees. The aggregate fees charged under this Chapter shall not exceed the reasonably anticipated costs to be incurred by the Borough for collecting, transporting, and disposing collectible municipal waste and collectible recyclable materials (either directly or under contract with the Contractor), and administering and enforcing the provisions of this Chapter and any contract with a Contractor, plus a reasonable contingency.

(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:

(1) Residential. The owner of a residential dwelling unit in the Borough shall pay a fee for garbage hauling services of Sixty-eight Dollars (\$68.00) each calendar quarter for each residential dwelling unit owned, except for any residential dwelling unit not connected to the Borough water system for the entire quarter. The owner of a residential dwelling unit in the Borough who also conducts a business from the property shall pay a quarterly fee of Sixty-eight Dollars (\$68.00) per equivalent dwelling unit for garbage hauling services. Each such property shall be assigned a number of equivalent dwelling units based on an estimate of the amount of garbage hauled from that property divided by the amount of garbage hauled from a typical residential dwelling unit. This number shall be set, from time to time, by the Borough, subject to appeal to the Borough Council. In the absence of any specific action establishing equivalent dwelling units, the quarterly fee for such a residential dwelling unit shall be Seventy-two Dollars (\$72.00).

(2) Nonresidential. The owner of each nonresidential property in the Borough shall pay a quarterly fee of Sixty-eight Dollars (\$68.00) per equivalent dwelling unit for garbage hauling services. Each nonresidential property shall be assigned a number of equivalent dwelling units based on an estimate of the amount of garbage hauled from that property divided by the amount of garbage hauled from a typical residential dwelling unit. This number shall be set, from time to time, by the Borough, subject to appeal to the Borough Council. In the absence of any specific action establishing equivalent dwelling units, the quarterly fee for a nonresidential property served by one or more dumpsters shall be computed on the basis of three (3) equivalent dwelling units per dumpster.

§ 67-702 Responsibility for Fees.

The fees imposed under this Chapter with respect to any given property shall be the joint and several responsibility of all record owners of the property, all persons in possession of the property, and all other persons producing or responsible for the existence or disposal of refuse present on such property, or for whom such refuse is removed.

§ 67-703 Billing and Collection of Fees; Penalties.

(a) Rendering of Bills. All bills for the fees imposed under this Chapter with respect to any given property shall be rendered at least twenty-five (25) calendar days before the due date, and are payable to the Borough at the Borough Hall. Bills shall be mailed to the address appearing on the tax records of the Borough or to the property itself, unless the owner of the prop-

erty designates a different address from time to time. Each owner shall provide the Borough with, and thereafter keep the Borough advised of, the owner's current and correct address. The failure of any person to receive a bill shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(b) Due Date. Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

(c) Late Payment Penalties. A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under subsection (a) as of 12:00 noon on the sixth (6th) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

(d) Collection. If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Secretary may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize any available procedures for the perfection of a municipal lien and collection of a municipal claim.

§ 67-704 Receipt of Fees.

It shall be the duty of the Borough Secretary, *ex officio*, to receive all fees provided under this Chapter and remit them to the Borough Treasurer for deposit in Borough accounts.

Article VIII — Prohibited Acts

§ 67-801 Unauthorized Collection, etc.

It shall be unlawful for any person to collect, transport, or dispose of any refuse generated or present in the Borough in violation of this Chapter or any regulations promulgated hereunder.

§ 67-802 Outdoor Placement of Refuse.

It shall be unlawful for any person to place any refuse in any street, alley, or other public place in the Borough, or upon any private property in the Borough outside of a completely enclosed building, whether the property is owned by such person or not, unless:

(a) the refuse is placed in proper receptacles for collection (other than riff-raff and bound newsprint placed outside at the proper location for collection by the Borough or its Contractor no earlier than sunset on the day before the scheduled collection thereof); and

(b) the refuse is placed on the property with the permission of the owner of such property, or is placed in a public right-of-way at a location directed or approved by the Borough Secretary or Borough Council for collection by the Borough or its Contractor, no earlier than sunset on the day before the scheduled collection thereof.

§ 67-803 Dumping.

(a) **Refuse Generated Off-Site.** 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—

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

(2) 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.

(b) **Recyclable Materials Generated Off-Site.**

(1) **Individual Properties.** 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.

(2) **Borough Recycling Program.** 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.

(c) **Public Waste Receptacles.** It shall 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.

(d) **Exceptions.** This section shall not apply to:

(1) 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) 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 21 (relating to Zoning).

§ 67-804 Accumulations of Refuse.

It shall be unlawful for any person to allow any accumulation of refuse on any premises in the Borough of Alburdis other than for the purpose of collection in a timely manner provided or permitted by this Chapter or by any regulations promulgated hereunder. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Any accumulation of refuse for more than fifteen (15) days shall be presumed to be for a purpose other than collection in a timely manner.

§ 67-805 Removal of Receptacle Covers; Removal of Refuse.

It shall be unlawful for any person other than the occupants of the premises on which refuse receptacles are stored or the authorized collector of such refuse to remove the covers of any of the refuse receptacles or to remove the refuse stored in such containers.

§ 67-806 Removal of Recyclable Materials.

It shall be unlawful for any person to remove any recyclable materials from any drop-off recycling receptacle or from any curbside recycling receptacle after the receptacle has been placed in the designated or approved location for the collection of the recyclable materials, other than the authorized collector of the recyclable materials or the person operating the drop-off recycling center.

§ 67-807 Pollution of Water.

It shall be unlawful for any person to throw or deposit any refuse in any stream or other body of water.

§ 67-808 Attempted Disposal of Unacceptable Waste with Collectible Municipal Waste.

It shall be unlawful for any person to place any unacceptable waste, or any receptacle containing any unacceptable waste, in any location designated for the collection of collectible municipal waste by the Borough or its Contractor in any manner which would suggest, to a reasonable person, that the person so placing the material intends to have the Borough or its Contractor collect the material as collectible municipal waste.

§ 67-809 Adulteration of Drop-Off Recyclables.

It shall be unlawful for any person to place any materials in any drop-off receptacle designated by the Borough for the collection of one or more collectible recyclable materials by the Borough or its contractor, unless the materials so placed consist solely of those collectible recyclable materials designated for collection in that receptacle.

§ 67-810 Adulteration of Curbside Recyclables.

It shall be unlawful for any person to place any receptacle identified for participation in a curbside voluntary or mandatory recycling program of the Borough in any location designated for the collection of collectible recyclable materials by the Borough or its Contractor, unless the materials inside such receptacle consist solely of those collectible recyclable materials designated for collection in that receptacle.

§ 67-811 Diversion of Collectible Municipal Waste from the Borough Collection Program.

Except as provided in § 67-305 (relating to permits for private disposal of collectible municipal waste):

(a) It shall be unlawful for any person other than the Borough or its Contractor to collect, transport, or dispose of any collectible municipal waste generated or present in the Borough; and

(b) It shall also be unlawful for any person to arrange for the collection, transportation, or disposition, of any collectible municipal waste generated or present in the Borough by any means other than the municipal waste system operated by the Borough or its Contractor.

This section shall not apply to any refuse generated outside of the Borough and which is present in the Borough only during transportation to another location outside of the Borough.

Article IX — Enforcement

§ 67-901 Violations and Penalties.

Any person who violates any provision of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than Three Hundred Dollars (\$300.00), in the discretion of the district justice, plus all court costs, including reasonable attorneys' fees incurred by the Borough as a result thereof. Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement of any provision of this Chapter.

Appendix

¶ 67-A Disposition of Ordinance 118.

<u>Ordinance 118</u>	<u>1981 Code (prior to Ord. 294)</u>
§ xx	§ 71-xx
§ 6 (severability)	deleted; <i>see</i> 2003 Code § 67-901
§ 7 (repealer)	deleted; <i>see</i> 2003 Code § 67-901

¶ 67-B Disposition of 1981 Code, Chapter 71 (prior to Ord. 294).

<u>1981 Code, prior to Ord. 294</u>	<u>1981 Code, after Ord. 294</u>	<u>2003 Codified Ordinances</u>
§ 71-1 (intro)	§ 71-1 (intro)	§ 67-201
§ 71-1 (ashes)	deleted	deleted; <i>see</i> § 67-202
§ 71-1 (garbage)	deleted	deleted; <i>see</i> § 67-206
§ 71-1 (person)	§ 71-1(K)	§ 67-212
§ 71-1 (refuse)	§ 71-1(M)	§ 67-214
§ 71-1 (riffraff)	§ 71-1(O)	§ 67-216
§ 71-1 (rubbish)	deleted	deleted; <i>see</i> § 67-216
§ 71-2(A)(1) (intro)	§ 71-2(A)	§ 67-301
§ 71-2(A)(1)(a)	§ 71-2(F)	§ 67-306
§ 71-2(A)(1)(b)	deleted	deleted; <i>see</i> § 67-306
§ 71-2(A)(2)	§ 71-2(C)	§ 67-303
§ 71-2(B)	§ 71-9(B)	§ 67-702
§ 71-2(C)	§ 71-6	§ 67-601
§ 71-2(D) (1 st sentence)	§ 71-7(B)	§ 67-603
§ 71-2(D) (2 nd & 3 rd sentences)	§ 71-7(A)	§ 67-602
§ 71-2(E)	deleted	deleted; <i>see</i> § 67-602
§ 71-2(F)	§ 71-2(A)	§ 67-301

<u>1981 Code, prior to Ord. 294</u>	<u>1981 Code, after Ord. 294</u>	<u>2003 Codified Ordinances</u>
§ 71-2(G)	deleted	deleted; <i>see</i> § 67-602
§ 71-2(H)	§ 71-4	§ 67-604
§ 71-3(A)	§ 71-8(A)	§ 67-801
§ 71-3(B) (1 st sentence)	§ 71-8(B)	§ 67-802
§ 71-3(B) (2 nd sentence)	§ 71-8(G)	§ 67-807
§ 71-3(C)	§ 71-8(D)	§ 67-804
§ 71-3(D)	§ 71-8(E)	§ 67-805
§ 71-3(E)	§ 71-8(H)	§ 67-808
§ 71-4(A)	§ 71-9(A)(1)	§ 67-701(a)
§ 71-4(B)	§ 71-9(B)	§ 67-702
§ 71-4(C)	§ 71-9(D)	§ 67-704
§ 71-5	§ 71-10	§ 67-901

¶ 67-C Disposition of 1981 Code, Chapter 71 (after Ord. 294).

<u>1981 Code, after Ord. 294</u>	<u>2003 Codified Ordinances</u>
§ 71-1 (intro)	§ 67-201
§ 71-1(A)	§ 67-202
§ 71-1(B)	§ 67-203
§ 71-1(C)	§ 67-204
§ 71-1(D)	§ 67-205
§ 71-1(E)	§ 67-206
§ 71-1(F)	§ 67-207
§ 71-1(G)	§ 67-208
§ 71-1(H)	§ 67-209
§ 71-1(I)	§ 67-210
§ 71-1(J)	§ 67-211
§ 71-1(K)	§ 67-212
§ 71-1(L)	§ 67-213
§ 71-1(M)	§ 67-214
§ 71-1(N)	§ 67-215
§ 71-1(O)	§ 67-216
§ 71-1(P)	§ 67-217
§ 71-1(Q)	§ 67-218
§ 71-1(R)	§ 67-219
§ 71-2(A)	§ 67-301
§ 71-2(B)	§ 67-302
§ 71-2(C)	§ 67-303
§ 71-2(D)	§ 67-304
§ 71-2(E)	§ 67-305
§ 71-2(F)	§ 67-306
§ 71-3(A)-(E)	§ 67-401(a)-(e)
§ 71-3(F)(1)	§ 67-402
§ 71-3(F)(2)	§ 67-403
§ 71-3(F)(3)	§ 67-404
§ 71-3(G) (the 1 st G)	§ 67-405
§ 71-3(G) (the 2 nd G)	§ 67-406

<u>1981 Code, after Ord. 294</u>	<u>2003 Codified Ordinances</u>
§ 71-4	§ 67-604
§ 71-5 (1 st sentence)	§ 67-501
§ 71-5 (2 nd sentence)	§ 67-502
§ 71-6	§ 67-601
§ 71-7(A)	§ 67-602
§ 71-7(B)	§ 67-603
§ 71-8(A)	§ 67-801
§ 71-8(B)	§ 67-802
§ 71-8(C)	§ 67-803
§ 71-8(D)	§ 67-804
§ 71-8(E)	§ 67-805
§ 71-8(F)	§ 67-806
§ 71-8(G)	§ 67-807
§ 71-8(H)	§ 67-808
§ 71-8(I)	§ 67-809
§ 71-8(J)	§ 67-810
§ 71-8(K)	§ 67-811
§ 71-9(A)	§ 67-701
§ 71-9(B)	§ 67-702
§ 71-9(C)	§ 67-703
§ 71-9(D)	§ 67-704
§ 71-10	§ 67-901

¶ 67-D Disposition of Ordinance 273.

Ordinance 273 was never codified to the 1981 Code.

<u>Ordinance 273</u>	<u>2003 Codified Ordinances</u>
§§ 1-3 (except § 2, 1 st paragraph)	deleted; <i>see</i> § 67-806
§ 2 (1 st paragraph)	deleted; <i>see</i> § 67-805
§ 4 (severability)	deleted; <i>see</i> § 67-806

¶ 67-E Disposition of Ordinance 342, §§ 10 and 11.

<u>Ordinance 342</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 10	never codified to 1981 Code	§ 67-701(h)
§ 11	“	Superseded by Ord. 413; <i>see</i> § 67-703

§ 67-F Source Ordinances.

Ordinance 118	02-07-1966
Ordinance 168	09-03-1974
Ordinance 215	11-11-1981
Ordinance 240	06-12-1985
Ordinance 273	10-11-1989
Ordinance 294	12-09-1992
Ordinance 335	05-29-1996
Ordinance 342	12-30-1996
Ordinance 356	12-29-1997
Ordinance 393	12-26-2001
Ordinance 402	12-23-2002
Ordinance 413	10-29-2003
Ordinance 415	10-29-2003

§ 67-G Prior Ordinances Concerning Related Subject Matter.

Ordinance 9	12-09-1915
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§ 67-H Current Contract for Collection and Disposal of Waste and Recyclables.

A copy of the following documents is provided with the online and CD-ROM versions of the Codified Ordinances:

(1) 2003-2005 Contract for the Collection and Disposal of Solid Municipal Waste and Certain Recyclable Materials within the Borough of Alburtis.

(2) Attachment to (1): Chapter 71 of the Code of the Borough of Alburtis as adopted by Ordinance 294 and amended by Ordinances 355 and 356.

(3) Attachment to (1): form of Performance Bond.

(4) Attachment to (1): form of Labor & Materialmen's Bond.

(5) Amendment #1 to the 2003-2005 Contract for the Collection and Disposal of Solid Municipal Waste and Certain Recyclable Materials within the Borough of Alburtis.

¶ 67-I Prior Contracts for Collection and Disposal of Waste and Recyclables.

A copy of the following documents is provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1993-1997 Contract for the Collection and Disposal of Solid Municipal Waste and Certain Recyclable Materials within the Borough of Alburdis.
- (2) 1998-2002 Contract for the Collection and Disposal of Solid Municipal Waste and Certain Recyclable Materials within the Borough of Alburdis.