

CHAPTER 20

SOLID WASTE

PART I

SOLID WASTE MANAGEMENT AND RECYCLING

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PART 1**SOLID WASTE MANAGEMENT AND RECYCLING****SECTION 20-101. Short Title.**

This Chapter and Part shall be known and may be cited as the Borough of Harmony Municipal Solid Waste Management and Recycling Ordinance.

(*Ord. 327, 04/06/1993, §1*)

SECTION 20-102. Definitions.

The following words and phrases, as used in this ordinance, shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

A. Act 101 means the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988).

B. Aluminum means empty, all-aluminum food and beverage containers, clean aluminum foil and pie tins, aluminum siding, aluminum frames of furniture, scrap from industrial sources and other all-aluminum materials.

C. Authorized Collector is a person, firm, partnership, corporation or public agency authorized by the municipality or county to collect municipal waste from residential, commercial, municipal and institutional establishments.

D. Bi-metallic Containers means empty food or beverage containers consisting of ferrous sides with aluminum top and bottom. A container is bi-metallic if a magnet sticks to the sides, but not the ends.

E. Bulky Items means large waste items including, but not limited to, appliances, auto parts, furniture, trees and branches or stumps or other items too large for approved reusable or disposable waste containers.

F. Collector means any person, firm, partnership, corporation or public agency authorized by the municipality to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments to collect recyclable materials from those properties.

G. Commercial Establishment means those properties used primarily for commercial or industrial purposes.

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

I. Corrugated Paper means container-board cartons, Kraft linerboard and shipping boxes with corrugated paper medium. This definition also includes Kraft (brown) paper bags.

J. Detachable Container means any metal bin or container which may be mechanically lifted and emptied into a collection vehicle.

K. Garbage means all animal and vegetable waste resulting from handling, preparation, cooking or consumption of food.

L. Glass Containers means empty bottles and jars made of clear, green or brown glass. This definition does not include non-container glass, window glass, blue glass, porcelain, ceramic products or light bulbs.

M. Hauler -see Authorized Collector.

N. High-Grade Office Paper means printing, writing and computer paper used in commercial, institutional and municipal establishments as well as in residences. This definition includes white paper, white ledger, bond paper, colored ledger, computer printouts, computer tab cards and copy machine paper.

O. Household Hazardous Waste means unwanted hazardous material found in or generated by residential establishments.

P. Industrial Establishment means facilities engaged in manufacturing or processing including but not limited to factories, foundries, mills, processing plants, refineries and mining.

Q. Institutional Establishment means facilities that house or serve groups of people including but not limited to hospitals, nursing homes, orphanages, day care centers, schools and colleges.

R. Lead Acid Batteries means automotive, truck and industrial batteries that contain lead.

S. Multi-Family Housing means properties having three or more dwelling units per structure.

T. Municipal Establishment means public facilities operated by the municipality and other governmental and quasi-governmental agencies.

U. Municipal Waste means garbage, refuse, industrial lunchroom or office waste and other material resulting from the operation of residential, municipal, commercial or institutional

establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste as defined by Pennsylvania Act 97.

V. Municipality means the Borough of Harmony.

W. Newspapers means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Newsprint which has been soiled, crumpled, color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with newspapers may be exempted from this definition.

X. Person means any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Y. Plastics means plastic such as containers for milk, food containers, household product containers, pet food containers, soda bottles, beverage containers and other plastic products.

Z. Recyclable Materials means materials generated by residential, commercial, municipal and institutional establishments for which recycling markets exist and for which there is a recycling agent. Recyclable materials may include clear glass, colored glass, aluminum, steel and bi-metallic containers, high-grade office paper, newspapers, corrugated paper, plastics and any other item selected by the municipality or county, or specified in amendments to Act 101.

AA. Recycling means the collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed or processed as municipal waste.

BB. Refuse means all solid waste, except body waste, and including garbage, ashes and rubbish.

CC. Residential Establishment means any occupied single family, duplex or multi-family dwelling of two units or less.

DD. Rubbish means glass, metal, paper, discarded furniture, building materials, cartons and shipping containers and any and all accumulations of the same.

EE. Scavenging means unauthorized or uncontrolled removal of solid waste materials placed for collection or removal from a solid waste processing or disposal facility.

FF. Solid Waste means unwanted garbage, refuse and other discarded solid material resulting from residential, industrial, commercial and agricultural operations and from

community activities. Unwanted liquids, semi-solids and contained gaseous materials are hereby defined as solid waste. Recyclable and reusable materials, including any compostable organic waste, do not constitute solid waste for the purpose of this ordinance.

GG. Source-Separated Recyclable Materials means materials that are separated from municipal waste at the point of origin for the purpose of being recycled.

HH. Steel Containers means all coated (tin, zinc, etc.) and other empty ferrous food and beverage containers, including allowed materials. This definition also includes ferrous and alloyed ferrous scrap materials derived from iron and stainless steel and white goods (large appliances).

II. Storage means the containment of any waste on a temporary basis in such a manner as to not constitute disposal of such waste.

JJ. Yard Waste means leaves, garden residue, shrubbery and tree trimmings, grass clippings and similar material.

(*Ord. 327, 04/06/1993, §2*)

SECTION 20-103 - Standards and Regulations for Storage of Municipal Waste Prior to Collection.

A. Any Person storing municipal waste for collection shall comply with the following preparation standards:

1. All liquid and semi-solid waste shall be enclosed in leak-proof containers; and
2. The municipality reserves the right to modify the preparation and storage procedures to facilitate the collection and recovery of certain waste materials.

B. All municipal waste shall be stored in containers approved by the municipality and shall comply with the following standards:

1. Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material;
2. Reusable containers for residences shall have tight-fitting covers, have suitable lifting handles and shall have a capacity of not more than 30 gallons. If mechanical bins or detachable containers are in use, the municipality may waive these standards;

3. Disposable plastic bags or sacks are acceptable containers, provided the bags are designed for waste disposal. Such bags shall be securely tied at the top for collection and shall have a capacity of not more than 30 gallons; and

4. All containers, whether reusable or disposable, shall be kept tightly covered at all times and shall be used and maintained so as to prevent public nuisances.

C. Any person storing municipal waste for collection shall comply with the following storage standards:

1. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be kept clean by thoroughly rinsing, draining and disinfecting as often as necessary;

2. Containers shall be covered or sealed at all times and waste shall not protrude or extend above the top of the containers;

3. With the exception of pick-up days when containers are placed out for collection, all containers shall be properly stored on the owner's property;

4. Bulky waste items shall be stored in a manner that will prevent the accumulation or collection of water, the harborage or breeding of vectors, insects or rodents, or the creation of safety and fire hazards.

D. The storage of all municipal waste from multi-family housing, commercial, institutional and municipal establishments, and industrial lunchrooms and office wastes shall comply with the regulations and standards set forth in this ordinance. The type, size and placement of bulk containers for these establishments shall be determined by the waste generator and the authorized collector and are subject to approval by the municipality.

(Ord. 327, 04/06/1993, §3)

SECTION 20-104. Standards and Regulations for Collection.

All generators of municipal waste in the municipality shall contract for the collection of disposable waste and recyclable items as follows:

A. All residential properties shall use an authorized collection service unless they prove to the municipality that they have made alternative arrangements consistent with this Chapter.

B. All multi-family housing, commercial, institutional and municipal establishments and industrial establishments with office and lunchroom wastes shall use an authorized collection service of their choice.

C. Collection service shall be provided in compliance with the following standards:

1. All residential waste shall be collected at least bi-weekly with the exception that arrangements shall be made in advance with the collector for pick-up of bulky waste and for payment of any special fees;

2. All multi-family housing, commercial, municipal, institutional and industrial waste shall be collected at least once each week and more often, if required, in order to control health hazards, odors or unsightly conditions;

3. All recyclable materials shall be collected at least once each month;

4. Each authorized collector shall establish a regular collection schedule in the municipality and shall so notify the municipality of the days and times. If a regular collection day falls on a holiday, the collector shall notify all customers and the municipality as to when collection will be made.

D. All authorized collectors operating within the municipality shall comply with the Butler County Municipal Waste Management Ordinance as regards the licensing of collectors and the transportation of waste to the county-designated disposal facility.

(Ord. 327, 04/06/1993, §4)

SECTION 20-105. Collection and Disposal Charges.

All authorized collectors shall be responsible for the collection of any fees or charges for municipal waste collection and disposal services provided to residential, commercial, institutional, municipal and industrial sources within the municipality.

(Ord. 327, 04/06/1993, §5)

SECTION 20-106. Separation and Collection of Recyclables.

A. Persons in residential establishments shall separate recyclable materials from other waste. The materials to be recycled shall be designated by the municipality by resolution or motion of its duly elected governing body. Recyclable materials shall be placed at such locations as dictated by the authorized collector. Recyclable materials shall be prepared for collection according to municipal or county guidelines and shall be placed in containers provided by the municipality or cut and baled, tied, bundled, stacked or packaged in compliance with the guidelines.

1. Use of the allocated recycling container for any purpose other than the recycling program shall be a violation of this ordinance;

2. All persons shall be responsible for their recyclable materials until collected by the authorized collector.

B. An owner, landlord or agent of the owner or landlord of a multi-family housing property with three or more units shall comply with its recycling responsibilities by establishing a collection program for the tenants at each property. The collection system shall include suitable containers, provided by the owner, landlord or agent, for sorting and collection of recyclable materials. The container shall be placed in accessible locations and written instructions shall be provided to the tenants concerning use and availability of the collection system.

1. Owner, landlords or agents of multi-family property who are in compliance with the ordinance shall not be liable for noncompliance by the occupants of their property;

2. Owner, landlords or agents of multi-family property who have recyclable materials collected by a collection firm other than the municipality or its designated collectors shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year.

C. Commercial, institutional, municipal establishments and community activities shall separate materials as may be designated by the Borough and shall store the recyclable materials until collection. These establishments may be exempted from this ordinance if the establishments have otherwise provided for the recycling of materials specified by this ordinance and provide documentation to the Borough annually indicating the designated recyclable materials are being recycled and indicating the tonnage of materials recycled during the previous year. It shall be the responsibility of each establishment and community activity to submit an annual report to the Borough reporting the tonnage of materials recycled by the establishment or activity during the previous year.

(Ord. 327, 04/06/1993, §6)

SECTION 20-107. Lead Acid Batteries.

No person shall place a used lead acid battery in municipal waste, discard or otherwise dispose of a lead acid battery, except by delivery to a designated facility authorized under the laws of Pennsylvania.

(Ord. 327, 04/06/1993, §7)

SECTION 20-108. Ownership of Recyclable Materials.

All recyclable materials, when placed at the curbside, become the property of its authorized collector except as provided below:

A. Any person may donate or sell recyclable materials to individuals or organizations authorized by the Borough. The recyclable materials shall be either delivered to the individual organization site or may be placed at the curb for collection by said individual or organization. If placed at the curb, the individual or organization shall not collect recyclable materials on days designated as municipal collection days.

B. Any person who donates or sells recyclable materials shall not receive a discount in waste collection fees paid to their collector.

(Ord. 327, 04/06/1993, §8)

SECTION 20-109. Franchise or License.

The municipal officers or their designated representatives shall be responsible for the enforcement of the provisions of this ordinance. The Borough may enter into an agreement with public or private agencies or firms to authorize said agencies or firms to collect all or part of recyclable materials placed at curbside or at another designated site.

(Ord. 327, 04/06/1993, §9)

SECTION 20-110. Administration and Enforcement.

The municipal officials of the Borough of Harmony or their designated representative shall be responsible for the enforcement of the provisions of this Chapter. The Borough officials are authorized by this Chapter to enact reasonable rules and regulations for the operation of this ordinance including but not limited to:

A. Designating recyclable materials to be separated by residential establishments and designating additional recyclable materials to be separated by commercial, institutional and municipal establishments.

B. Establishing collection procedures for recyclable materials.

C. Establishing reporting procedures for volumes of materials recycled.

D. Establishing procedures for the distribution, monitoring and collection of recycling containers.

- E. Establishing procedures and rules for the collection of yard waste.

(*Ord. 327, 04/06/1993, §1*)

SECTION 20-111. Violation.

Any person, firm or corporation who shall violate the provisions of this ordinance and its rules and regulations shall receive an official written warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided. No enforcement of Sections 20-103 and 20-104 of this Chapter shall be made until three months from the effective date of this ordinance. Upon conviction of violation of the provisions of this ordinance, a fine of \$200.00 for a first offense and a fine of not less than \$300.00 nor more than \$600.00, including costs of prosecution for each and every subsequent offense is imposed.

(*Ord. 327, 04/06/1993, §11, Ord. 372, 6/6/2006*)

SECTION 20-112. Repeal and Severability.

All ordinances or parts of ordinances inconsistent with this Chapter are hereby repealed to the extent of such inconsistency. If any section, sentence or any other part of this Chapter is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter, but shall be confined in its effect to the section, sentence or other part of this Chapter directly involved in the controversy in which such judgment shall have been rendered.

(*Ord. 327, 04/06/1993, §12*)