

CHAPTER XI HEALTH AND SANITATION  
SOLID WASTE AND RECYCLING ORDINANCE  
ORDINANCE NO. 2-93

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE BOROUGH OF HARRISVILLE, BUTLER COUNTY, PENNSYLVANIA, BY REGULATING THE STORAGE, ACCUMULATION, COLLECTION AND DISPOSAL OF MUNICIPAL SOLID WASTE; ESTABLISHING A PROGRAM FOR THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS; PROHIBITING THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE SYSTEM; EMPOWERING THE MUNICIPALITY TO ADOPT AND PROMULGATE REASONABLE REGULATIONS; AND TO SET FORTH PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, Section 304 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) provides that each Municipality of the Commonwealth shall have the power and its duty shall be to assure the proper and adequate transportation, collection and storage of municipal waste which is generated or present within its boundaries, and to adopt and implement programs for the collection and recycling of municipal waste; and

WHEREAS, it is the desire of the municipality to regulate the collection, transportation, and disposal of municipal solid waste of residential, multi-family, commercial, municipal, and institutional properties; and

WHEREAS, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) provides that each Municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and

WHEREAS, removing recyclable materials from the Municipal waste stream will decrease the flow of solid waste to Municipal waste landfills, aid in the conservation and recovery of valuable resources, and conserve energy in the manufacturing process; and

WHEREAS, it is the desire of the Municipality to adopt and implement recycling and to regulate, where necessary, the collection, transportation, and marketing of recyclable materials from residential, multi-family, commercial, municipal, and institutional properties;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Harrisville, Butler County, Pennsylvania as follows:

**SECTION I. Short Title**

This ordinance shall be known and may be cited as the Borough of Harrisville Municipal Solid Waste Management and Recycling Ordinance.

**SECTION II. 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:

**ACT 101** - The Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (Act 1988).

**ALUMINUM** - 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.

**AUTHORIZED COLLECTOR** - 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.

**BI-METALLIC CONTAINERS** - 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.

**BULKY ITEMS** - 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.

**COLLECTOR** - 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.

**COMMERCIAL ESTABLISHMENTS** - Those properties used primarily for commercial or industrial purposes.

**COMMUNITY ACTIVITIES** - 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 individuals per day.

**CORRUGATED PAPER** - Containerboard cartons, Kraft linerboard, and shipping boxes with corrugated paper medium. This definition also includes Kraft (brown) paper bags.

**DETACHABLE CONTAINER** - Any metal bin or container which may be mechanically lifted and emptied into a collection vehicle.

**GARBAGE** - All animal and vegetable waste resulting from handling, preparation, cooking or consumption of food.

**GLASS CONTAINERS** - 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, and light bulbs.

**HAULER** - See Authorized Collector.

**HIGH GRADE OFFICE PAPER** - 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.

**HOUSEHOLD HAZARDOUS WASTE** - Unwanted hazardous material found in or generated by residential establishments.

**INDUSTRIAL ESTABLISHMENT** - Facilities engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries, and mining.

**INSTITUTIONAL ESTABLISHMENT** - Facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and colleges.

**LEAD ACID BATTERIES** - Automotive, truck and industrial batteries that contain lead.

**MULTI-FAMILY HOUSING** - Properties having three (3) or more dwelling units per structure.

**MUNICIPAL ESTABLISHMENT** - Public facilities operated by the Municipality and other governmental and quasi governmental agencies.

**MUNICIPAL WASTE** - Garbage, refuse, industrial lunchroom, or office waste and other materials 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.

**MUNICIPALITY** - Borough of Harrisville.

**NEWSPAPERS** - Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printing 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.

**PERSON** - 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.

**PLASTICS** - Plastic such as containers for milk, food containers, household product containers, PET soda bottles, beverage containers, and other plastic products.

**RECYCLABLE MATERIALS** - 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.

**RECYCLING** - 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.

**REFUSE** - All solid waste, except body waste, and including garbage, ashes, and rubbish.

**RESIDENTIAL ESTABLISHMENT** - Any occupied single family, duplex, or multi-family dwelling of two (2) units or less.

**RUBBISH** - Glass, metal, paper, discarded furniture, building materials, cartons and shipping containers, and any and all accumulations of the same.

**SCAVENGING** - Unauthorized or uncontrolled removal of solid waste materials placed for collection, or removal from a solid waste processing or disposal facility.

**SOLID WASTE** - 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.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** - Materials that are separated from municipal waste at the point of origin for the purpose of being recycled.

**STEEL CONTAINERS** - All coated (tin, zinc, etc.) and other empty ferrous food and beverage containers, including allowable materials. This definition also includes ferrous and alloyed ferrous scrap materials derived from iron, and stainless steel and white goods (large appliances).

**STORAGE** - The containment of any waste on a temporary basis in such a manner as to not constitute disposal of such waste.

**YARD WASTE** - Leaves, garden residue, shrubbery and tree trimmings, grass clippings and similar material.

**SECTION III. 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 container;
  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; and
  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.

**SECTION IV. 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 Ordinance; and
- 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; and
  5. 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.

**SECTION V. Collection and Disposal Charges**

- A. 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.

**SECTION VI. Separation and Collection of Recyclables**

- A. Persons in residential establishments shall separate recyclable materials from other waste. Recyclable materials shall be placed at the curbside. 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. All containers provided to residential establishments for recyclable materials shall be the property of the Borough and shall be used only for the storage and collection of recyclable materials. Any resident who moves shall be responsible for leaving the container within the residence or shall pay the replacement cost of said container.
  2. Use of the allocated recycling container for any purpose other than the recycling program shall be a violation of this Ordinance.
- B. An owner, landlord, or agent of the owner or landlord of a multi-family housing property with three (3) 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 easily 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 collector(s) 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.

1. 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.

#### **SECTION VII. 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.

#### **SECTION VIII. 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.

**SECTION IX. Franchise or License**

The Municipal Officials 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.

**SECTION X. Administration and Enforcement**

The Municipal officials of the Borough of Harrisville or their designated representative shall be responsible for the enforcement of the provisions of this Ordinance. The Borough officials are authorized by this Ordinance 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.

**SECTION XI. Violations**

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 3 and 4 of this Ordinance shall be made until three (3) months from the effective date of this Ordinance.

Upon conviction of violation of the provisions of this Ordinance, a fine of not less than \$25.00 nor more than \$300.00 including costs of prosecution for each and every offense is imposed.

**SECTION XII. Severability**

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

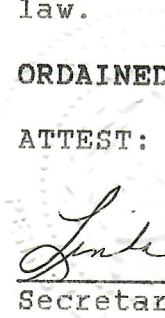
**SECTION XIII. Effective Date**

This Ordinance shall take effect on \_\_\_\_\_ and shall be in force from and after its approval as required by law.

ORDAINED and ENACTED this 1st day of March, 1993.

ATTEST:

HARRISVILLE BOROUGH COUNCIL

  
Linda J. Wegman  
Secretary (SEAL)

Frank D. Gallo  
Council President

Approved by me this 1st day of March, 1993.

Robert R. Maurer  
Mayor