

ORDINANCE NO. 935

AN ORDINANCE RELATING TO SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COLLECTION AND DISPOSAL SERVICE FOR ALL GARBAGE, RUBBISH, ASHES AND RECYCLABLES ACCUMULATED IN THE BOROUGH; MAKING REGULATIONS FOR THE COLLECTION AND DISPOSAL OF ALL SUCH GARBAGE, HOUSEHOLD RUBBISH, ASHES AND RECYCLABLES, AND FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITHIN THE BOROUGH, AND AUTHORIZING THE BOROUGH MANAGER TO MAKE ADDITIONAL REGULATIONS RELATING THERETO; PROVIDING FOR THE DISPOSITION AND COLLECTION BY THE BOROUGH OF FEES FOR THE COLLECTION AND DISPOSAL OF SUCH GARBAGE, RUBBISH, ASHES AND RECYCLABLES, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND SUCH REGULATIONS.

Be it enacted and ordained by the Borough Council of the Borough of Waynesboro, and it is hereby enacted and ordained by the authority of the same:

PART I - GENERALSECTION 1. SCOPE

This Ordinance shall govern and control all aspects of the collection, storage, transportation, processing, and disposal of municipal waste, and recycling in the Borough of Waynesboro. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal, and institutional establishments, and community activities.

SECTION 2. PURPOSE

This Ordinance is being enacted in an effort to implement a recycling program in order to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing and disposal facilities.

SECTION 3. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. "Agent" - A person or entity who acts for, or in place of, another person or entity being authorized to do so.
- B. "Ashes" - means the residue from the burning of wood, coal, coke, and other combustible materials, excluding toxic materials.
- C. "Aluminum Cans" - empty, all-aluminum beverage and food containers.
- D. "Applicant" - a person desirous of being licensed as a hauler or of being issued a recyclable collection permit, as the case may be.

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- E. "Authorized Collector" - a licensed hauler (as defined herein); a recyclable collection permittee (as defined herein); or a person who, being so authorized by the terms of this Ordinance, removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent (as defined herein) of another person.
 - F. "Bi-metallic Cans" - empty food or beverage containers consisting of both steel and aluminum.
 - G. "Borough" - means the Borough of Waynesboro, Franklin County, Pennsylvania.
 - H. "Borough Manager" - means the Borough Manager of the Borough of Waynesboro.
 - I. "Borough's Licensed Hauler" (Contracted Hauler) - the hauler approved by the Borough of Waynesboro to be the primary Collector of recyclables and refuse for single-family residential units within the Borough. Said hauler to be under Contract with the Borough of Waynesboro.
 - J. "Bulky Items" - Discarded "white goods" (major appliances), televisions, mattresses, furniture, air conditioners and similar household items.
 - K. "Composting" - The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.
 - L. "Composting Facility" - An approved facility using land for processing of municipal waste by composting.
 - M. "Collector" - a general term referring to any person who collects, for removal from premises, municipal waste or recyclables.
 - N. "Commercial" - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business, or establishment.
 - O. "Community Activity" - an activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefor.
 - P. "Corrugated Paper" - structural paper material with an inner core shaped in rigid furrows and ridges, of the type normally used to make packaging cartons and boxes.
 - Q. "Curbside Collection" - a method of collection of residentially generated recyclables and municipal waste by which the owners

or occupants of certain residential properties may dispose of their recyclables by placing them at curbside (within the public right-of-way fronting along their property), at times designated by the Borough of Waynesboro, for collection and removal by an authorized Collector therefor for delivery to a recycling center.

- R. "Disposal" - the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.
- S. "Disposal Area" - any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.
- T. "Garbage" - means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food processing wastes from canneries, packing plants, or similar industries, nor large quantities of condemned food products.
- U. "Glass Containers" - all empty food and beverage jars or bottles made from silica or sand, soda ash, and limestone, the product being transparent or translucent (either clear, green or brown), excluding, however, blue glass, flat glass, plate glass, glass commonly known as "window glass", automotive glass, and ceramic and porcelain products.
- V. "Hazardous Wastes" - any chemical, compound, mixture, substance, or article which is designated by the United States Environmental Protection Agency, or appropriate agency of the State or Commonwealth of Pennsylvania, to be "hazardous" as that term is defined by or pursuant to Federal State law.
- W. "High-Grade Office Paper" - any white paper other than newsprint, magazines, or other chemically coated paper or corrugated paper, of the type commonly used for letter-writing, stationery, note paper, plain paper, photocopying machines, computer printers, and other general-purpose paper, whether or not any printed or written matter is contained thereon.
- X. "Institutional" - of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, school, universities, churches, and social or fraternal societies and organizations.
- Y. "Landlord" - the owner of residential property, or such owner's authorized agent.
- Z. "Leaf Waste" - leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

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- AA. "Leaf Composting Facility" - an approved facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings. The term does not include a facility that is used entirely or partly for composting grass clippings.
 - BB. "Licensed Hauler" - a person licensed by the Borough of Waynesboro to collect, haul, transport, and dispose of municipal waste and recyclables.
 - CC. "Magazines" - printed matter, also known as "periodicals", containing miscellaneous written prices published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.
 - DD. "Multiple Family Housing Property" - a unit consisting of four (4) or more dwelling units that are owned by one individual, firm or corporation, or separately owned and operated as a cooperative form of housing, including condominiums.
 - EE. "Municipal" - of or pertaining to any office or other property under the control of any branch or arm of the federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to the Borough of Waynesboro, any counties, cities, boroughs, townships, and municipal authorities.
 - FF. "Municipal Waste" - an all-encompassing, most general term meaning any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid, or contained gaseous material, resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities, except farm-produced manure, other agricultural waste, and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of "residual or hazardous waste" as defined in Commonwealth of Pennsylvania Solid Waste Management Act; but excluding recyclables.
 - GG. "Newsprint" - paper of the type commonly referred to as "newspaper" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newsprint" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper, and any other paper products of any nature.
 - HH. "Person" - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality,

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municipal authority, Federal Government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of the Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

- II. "Processing" - any technology used for the purpose of reducing the volume or bulk of municipal waste, or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities, and resource recovery facilities.
- JJ. "Recyclable Collection Permittee" - a person authorized by the Borough, through the issuance of a permit therefor, to collect, transport, and dispose of recyclables exclusively (and not municipal waste) for persons other than himself, his immediate family, or persons whom he is acting as an agent (as defined herein).
- KK. "Recyclables" - materials designated as recyclables in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled.
- LL. "Recycling" - the collection, separate maintenance, recovery, and sale or reuse of recyclables which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.
- MM. "Recycling Center" - a facility designed to, and which does, act as a collection center for the processing, storage, and shipment of recyclables. The term specifically excludes transfer stations and landfills for solid waste and composting facilities and resource recovery facilities; and specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.
- NN. "Refuse" - means all forms of garbage, rubbish or trash including, but not limited to paper, cardboard, tin cans, yard clippings, wood, glass, stones, building scrap, dead animals, abandoned machinery or vehicles, or machinery parts or vehicle parts, ashes or other material, or materials which are allowed to accumulate in an untidy, unsafe or unsanitary manner whether or not said rubbish or materials are deemed to be abandoned. Residential refuse shall be considered refuse.
- OO. "Residential" - of or pertaining to any dwelling unit used as a place of human habitation and which is not commercial,

municipal, institutional, or a community activity. Home occupations incidental to be residential use within a building are considered "residential".

- PP. "Residential Refuse" - means all forms of garbage, rubbish or trash, included but not limited to cardboard, yard clippings, wood, glass, tin cans and other similar materials commonly generated in a residential environment. This definition shall exclude large, bulky items, chemicals of a toxic nature, abandoned machinery and machinery vehicle parts.
- QQ. "Residual Waste" - any garbage, refuse or other discarded materials or other waste, including solids, liquids, semi-solids, or contained gaseous materials resulting from industrial mining and agricultural operations, and any sludge from an industry, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided it is not hazardous. Term should not include coal refuse as defined in the Act of September 24, 1968, P.L. 1040, Number 318, known as the "Coal Refuse Disposal Control Act". Term shall not include treatment sludges from coal mining drainage treatment plants, disposal of which is being carried pursuant to and in compliance with a valid permit issued pursuant to the Act of June 22, 1937, P.L. 1987, Number 394, known as the "Clean Streams Law".
- RR. "Rubbish" - leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, and all solid combustible matter not included in this section under the definition of "Garbage".
- SS. "Solid Waste" - waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.
- TT. "Steel Cans" - empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.
- UU. "Storage" - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.
- VV. "Transportation" - the off-site removal of any municipal waste at any time after generation thereof.
- WW. "Trash" - commonly used term for solid waste, similar to refuse, but term does not include food waste.
- XX. "Unauthorized Accumulation" - An accumulation of refuse, rubbish, or residual waste that is not placed in appropriate

containers for disposal; or an accumulation of the aforementioned, which has the actual or potential to pose a hazard for attracting vectors or creating a health hazard.

- YY. "Waste" - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Resources for beneficial use.
- ZZ. "Yard Waste" - grass clippings, prunings and other discarded materials from yards and gardens.
- ZZZ. "Yard Waste Composting Facility" - a facility that is used to compost grass clippings, including a facility that is used to compost leaf waste.

SECTION 4. DUMPING/LITTER

- A. No person shall place or permit to be placed any refuse or recyclables in any street, alley, or any public place or upon any private property, whether owned by such person or not within the Borough, except it be in proper receptacles for collection or stored indoors in a fully enclosed building, or outdoors in a properly covered receptacle which prevents the creation of an unsanitary, untidy or unsafe situation or condition. No person shall throw or deposit any refuse in any stream or any other body of water. No person shall place or permit to be placed any receptacles containing refuse within the building set-back line of any lot as defined in the Borough's Zoning Ordinance.
- B. Any unauthorized accumulation of refuse or recyclables on any premises is hereby to be declared a nuisance and is prohibited. Failure to remove any unauthorized accumulation of refuse within twenty-four (24) hours after notice to do so, shall be deemed a violation of this Ordinance. Proper notice as provided under this section shall mean posting on the premises a notice of violation by the Borough's Zoning Enforcement Officer or other designated official.
- C. The presence of any articles containing a person's name among solid waste or recyclables shall create a rebuttable presumption, for purposes of this Ordinance, that said solid waste or recyclables are the property of the person whose name is found therein. This presumption may be rebutted by evidence to the contrary.

SECTION 5. PREPARATION AND STORAGE OF MUNICIPAL WASTE

The storage of all municipal waste (excepting residential waste) shall be practiced so as to prevent the attractions, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may

create fire and other safety hazards, odors, or public nuisance.

Any person accumulating or storing municipal waste on private or public property in the Borough for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:

- A. Containers used for the storage of municipal waste shall be metal, plastic, or fiberglass construction, or other containers approved by the Borough; rust and corrosion resistant, equipped with lids and waterproof.
- B. No person, except the occupants of the property on which a waste container is placed, an authorized licensed hauler, and a Borough official, employee or agent shall remove the lids of the container and/or remove the contents thereof.
- C. All hazardous waste, including but not limited to municipal waste of a highly flammable or explosive nature, or highly infectious or contagious municipal waste, shall not be stored for ordinary collection, but shall be specifically disposed of in accordance with the directions of the Borough or of any State or Federal authority having jurisdiction thereof.
- D. Containers, other than bulk containers, shall be placed at such locations as may be agreed upon by the person and the authorized licensed hauler.
- E. Bulk containers (such as dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the Collector which will enable clear and easy access to the container by the Collector's vehicle.
- F. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located, if it is located on private property.

SECTION 6. REQUIRED COLLECTION AND REGULAR HOURS OF COLLECTION

- A. All residential refuse, excepting multiple family dwelling units, in the Borough of Waynesboro, shall be collected and disposed of by the Borough's contracted trash collector. Multiple family residences may utilize the Borough's Contractor or another licensed Contractor, as approved by the Borough, to collect and dispose of their refuse. All commercial, industrial and institutional trash shall be collected by a Contractor licensed by the Borough of Waynesboro.
- B. Costs of residential refuse collection and recycling shall be determined by Borough Council, and a fee schedule adopted by Resolution from time to time.

- C. Collection, transportation and disposal of residential refuse under the Ordinance shall be under the supervision of the Borough Manager. The Borough Manager shall have administrative authority to make administrative regulations concerning the collection, transportation and disposal of residential refuse not consistent with those set forth in this Ordinance or adopted resolutions, and may, in the event of an emergency or because of temporary conditions which necessitate, in the opinion of the Borough Manager, a change in regulations herein set forth, make any such changes for a period not to exceed thirty (30) days without the approval of the Borough Council of the Borough of Waynesboro.
- D. Ownership of residential refuse material set out for collection by the Borough shall be vested in the Borough as of the time it is collected by the Borough. Prior to pick-up, ownership shall remain vested in the person responsible for setting out the refuse material (or his agent) who shall have the sole right to remove any of same prior to collection.
- E. Regulations regarding pre-collection, collection times and hours, collection practices, and other regulations shall be established by Borough Council and adopted by Resolution from time to time.

SECTION 7. TRANSPORTATION OF MUNICIPAL WASTE

Any person transporting solid waste within the Borough shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste.

All persons authorized to collect solid waste shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.

SECTION 8. PUBLIC CONTAINER

The use of public containers for the disposal of private household waste will be prohibited.

SECTION 9. DISPOSAL OF LEAF WASTE

Borough Council shall establish regulations regarding leaf waste and adopt said by Resolution.

SECTION 10. COLLECTION PRACTICES OF MULTIPLE FAMILY DWELLING UNITS

Municipal or solid waste shall be collected from multiple family dwelling units as often as necessary, and specifically at least weekly, unless prevented by unusual circumstances.

SECTION 11. COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS

Municipal or solid waste shall be collected from commercial,

municipal and institutional establishments as often as necessary, and specifically at least weekly, unless prevented by unusual circumstances.

PART II - RECYCLING

SECTION 12. SEPARATION OF RECYCLABLES

- A. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions:
1. Owners and occupants of all residential properties shall keep separate from municipal waste, but may commingle the following recyclables: glass food and beverage containers, aluminum cans, steel cans and bi-metallic cans and newsprint.
 2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: glass containers, aluminum cans, steel cans, bi-metallic cans, corrugated paper, and high-grade office paper and newsprint.
 3. Alternatively the Borough Council may by Resolution modify the above recyclables or enumerate alternative or additional recyclables which will be required to be separated from municipal waste and collected in accordance with this Ordinance.
- B. The Borough of Waynesboro shall by Resolution adopt regulations regarding collection, pre-collection, collection practices and other regulations regarding recycling.
- C. The recycling container and lid is the property of the Borough of Waynesboro and will remain at the residence where it was issued. It is the responsibility of the homeowner to ensure that the container and lid are properly cared for and remain in good condition. If the container and lid are lost or destroyed, a new one can be purchased for a fee from the Borough Office.

SECTION 13. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES - RESIDENTIAL (OTHER THAN MULTIPLE FAMILY HOUSING PROPERTIES).

- A. For residential properties other than multiple family housing projects, all recyclables which are required to be kept separate in residential properties pursuant to Section 12, above, shall be placed at the appropriate location on the premises to be collected at times designated by the licensed hauler or recyclable collection permittee. The frequency of such collection shall be established by the Borough.
- B. If the recyclables are to be collected by the Borough's

licensed hauler, then the recyclables shall be set out within the public right-of-way for collection.

- C. If the recyclables are to be collected by a licensed collector other than the Borough's licensed hauler, then the recyclables shall be placed at an area other than within the public right-of-way.

SECTION 14. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES - MULTIPLE FAMILY HOUSING PROPERTIES

For multiple family housing properties, all recyclables which are required to be kept separate, in residential properties pursuant to Section 12, above, shall either be delivered directly to a recycling center, or shall be picked up by a recyclable collection permittee or an authorized hauler separately from municipal waste, in a pre-arranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection.

The landlord of every multiple family housing property shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this Ordinance governing separation and disposal or placement for removal of recyclables in multiple family housing properties. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such properties.

The collection system must include 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.

Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to multiple family housing properties shall not be liable for the noncompliance of occupants of their building.

Recyclables shall be collected from multiple family housing properties as often as necessary, and specifically at least weekly, unless prohibited by unusual circumstances or granted special permission by the Borough.

SECTION 15. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES - COMMERCIAL, MUNICIPAL AND INSTITUTIONAL AND COMMUNITY ACTIVITIES

All recyclables which are required to be kept separate in commercial, municipal, and institutional establishments and properties and community activities pursuant to Section 12, above, shall either be delivered directly to a recycling center, or shall be picked up by a recyclable collection permittee or an authorized hauler separately from municipal waste, in a pre-arranged manner. Recyclables

shall be collected from commercial, municipal and institutional and community activities as often as necessary, and specifically at least weekly, unless prohibited by unusual circumstances or granted special permission by the Borough.

SECTION 16. RECYCLING REPORTS FOR MULTIPLE FAMILY HOUSING PROPERTIES

- A. The landlord of every multiple family housing property or his agent shall complete a form to be designated "Recycling Report -- Multiple Family Housing Properties", to be provided by the Borough, which shall indicate where the property's recyclables were delivered.
- B. The "Recycling Report" and all weigh slips obtained from the facility or facilities to which the recyclables were delivered shall be submitted to the Borough in accordance with the rules and regulations established by the Borough Council.

SECTION 17. RECYCLING REPORTS FOR COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES

- A. Every commercial, municipal, and institutional establishment and community activity sponsor shall complete a form to be designated "Recycling Report -- Commercial, Municipal and Institutional Establishments and Community Activities", to be provided by the Borough, which shall indicate where the establishment's or activity's recyclables were delivered.
- B. The "Recycling Report" and all weigh slips obtained from the facility or facilities to which the recyclables were delivered shall be submitted to the Borough in accordance with the rules and regulations established by the Borough Council.

SECTION 18. COLLECTION BY UNAUTHORIZED PERSON

From the time of placement for collection of residentially generated recyclable items for collection in accordance with the terms of this Ordinance, the items shall be and become the property of the Borough or its authorized agent. It shall be a violation of this Ordinance for any person unauthorized by the Borough to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute separate and distinct offense punishable as hereinafter provided.

It shall be unlawful for a person to collect, remove, or dispose of municipal waste which contains recyclables required by that person to be separated, combined therewith.

PART III - COLLECTOR'S DUTIES

SECTION 19. AUTHORIZATION OF COLLECTORS

It shall be unlawful for any person, other than such persons

as are duly authorized by the Borough to collect and to transport municipal wastes of any nature or recyclables within or from the Borough. Authorization shall be given only as set forth below. Authorization to collect, transport, and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent (as defined in this Ordinance) may be given only by the Borough through the issuance of a "Hauler's License" or a "Recyclable Collection Permit". A person who collects recyclables only shall apply for and obtain a Recyclable Collection Permit... A person who collects municipal waste exclusively or in addition to recyclables shall apply for and obtain a Hauler's License.

All licensed haulers and recyclable collection permittees shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit, and to service each of their customers in accordance with the requirements of this Ordinance, any failure of which shall be a violation of this Ordinance. Collectors of bulky items, trash and rubbish who collect on an unscheduled, infrequent, sporadic basis, (such as "You call, We haul" operators) shall be exempt from securing a license. The Borough's contracted hauler shall not be required to secure a permit for activities undertaken pursuant to the Contract.

All applications for such licenses or permits shall be evaluated and approved in accordance with the criteria adopted by Resolution of Borough Council.

Note: License fees shall be established by Borough Council by Resolution from time to time.

A. Hauler's License:

1. Hauler's Licenses may be issued to only those persons who can comply with the provisions and intent of this Ordinance and regulations adopted by Borough Council.

B. Recyclable Collection Permit:

No person who is not a "licensed hauler" as defined in this Ordinance shall collect, transport, or dispose of recyclables for any persons other than himself or for whom he is acting as an agent (as defined in this Ordinance) unless he has applied for and obtained a valid Recyclable Collection Permit authorizing such activity. Applications for such permit shall be made by submission to the Borough on a form to be prescribed therefor, completed by the applicant, accompanied by a fee for such permit to be set by Resolution of the Borough Council of the Borough of Waynesboro. Recyclable Collection Permits shall be obtained annually and issued on a calendar year basis pursuant to regulations adopted by Borough Council from time to time.

SECTION 20. LICENSED HAULERS NOT TO ACCEPT UNLAWFULLY DISPOSED OF RECYCLABLES

No licensed hauler shall accept, pick up, or remove any bag or

other container of municipal waste which the hauler knows, or has reason to believe, contains recyclables required to be separated, combined with municipal waste.

Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pick-up, the hauler shall affix a tag or sticker to the container containing the recyclables (which tag or sticker will be provided by the Borough), retain a duplicate for his records, and deliver a triplicate to the designated office of the Borough within 48 hours. When the hauler utilizes a tag or sticker pursuant to this section, he shall fill in the information requested thereon, including the address at which the container is located and the reason which led him to know or believe the container contained recyclables. The hauler shall leave such container with the tag or sticker placed thereon where he found it.

SECTION 21. LICENSED HAULERS TO PROVIDE BULKY ITEMS REMOVAL SERVICE

All licensed haulers doing business within the Borough shall make available to their customers the service of removal of "bulky items" not less frequently than once per year.

SECTION 22. COMPLAINTS

All complaints regarding collection of recyclables or solid waste shall initially be reported to the Borough Manager. Upon receipt of the complaint from the Borough, the Collector shall give prompt and courteous attention to said complaint. Any complaints which are justified and not taken care of, and the matter alleviated, may result in a revocation of license.

SECTION 23. COMMUNITY ORIENTED CHARITABLE ACTIVITIES

Nothing contained herein shall impair or prohibit any recognized religious, civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized Collector. Prior to initiating such activity the organization shall obtain authorization from the Borough.

Nothing herein shall be deemed to prohibit any person from donating or selling any recyclables to individuals or organizations unless or until such recyclables are placed at curbside or similar location for collection by an authorized Collector.

PART IV - MISCELLANEOUS PROVISIONS

SECTION 24. VIOLATION AND PENALTY

Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution, or, in default

of payment of such fines and costs, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days. Provided: each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For purpose of this section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.

SECTION 25. REPEALER

Ordinance No. 600 adopted February 15, 1967, together with all other Ordinances and Resolutions and parts of Ordinances and Resolutions inconsistent or conflicting herewith are hereby repealed.

SECTION 26. SEVERABILITY

In the event any of the provisions of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall continue in full force and effect as though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof.

SECTION 27. CONSTRUCTION

The various headings used throughout this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance. In this Ordinance, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

SECTION 28. EFFECTIVE DATE

This Ordinance shall be in full force and effect on July 1, 1991.

ENACTED AND ORDAINED into an Ordinance this 19th day of June, 1991.

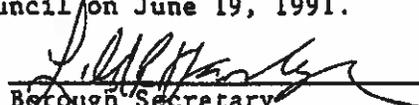
BOROUGH COUNCIL

By KINNEY STOUFFER
COUNCIL PRESIDENT

ATTEST:

LLOYD R. HAMBERGER, II
BOROUGH SECRETARY

I hereby certify the foregoing to be a true and accurate copy of Ordinance No. 935, adopted by Borough Council on June 19, 1991.


Borough Secretary