

## **Chapter 20**

### **Solid Waste**

#### **Part 1**

#### **Municipal Solid Waste Recycling**

##### **A. General**

- §20-101. Short Title
- §20-102. Purpose
- §20-103. Definitions

##### **B. Storage, Handling, and Disposal of Municipal Waste**

- §20-111. General
- §20-112. Storage on Residential Property
- §20-113. Storage on Commercial, Institutional and Industrial Properties
- §20-114. Authorized Collectors
- §20-115. Transportation of Solid Waste
- §20-116. Disposal of Municipal Waste
- §20-117. Unlawful Deposition of Municipal Waste
- §20-118. Bulky Waste
- §20-119. Construction and Demolition Waste
- §20-120. Exclusions

##### **C. Service Fees and Billing**

- §20-121. General
- §20-122. Charges to Registered Hauler
- §20-123. Charges to Be Established by Resolution

##### **D. Recyclables**

- §20-131. Introduction
- §20-132. General
- §20-133. Establishment of Program
- §20-134. Billing and Payment
- §20-135. Items to Be Recycled
- §20-136. Exclusions
- §20-137. Plan to Be Filed and Approved by the Borough
- §20-138. Establishment of Regulations
- §20-139. Separation of Recyclables and Placement for Disposition
- §20-140. Collection by Unauthorized Person(s)
- §20-141. Recycling Vehicles
- §20-142. Unlawful Disposal of Recyclables

##### **E. Hours of Operation**

§20-151. Hours of Operation

**F. Penalties and Remedies**

§20-161. Penalties

§20-162. Other Remedies

**Part 1****Municipal Solid Waste Recycling****A. General.****§20-101. Short Title.**

This Part shall be known as the “Shillington Borough Municipal Solid Waste Recycling Ordinance.”

(*Ord. 1072, 11/8/2007, Art. I, §1*)

**§20-102. Purpose.**

The purpose of this Part is to provide for the health, safety and welfare of the residents of the Borough of Shillington by regulating the collection, storage, transportation, removal, dumping, deposit, disposal, and recycling of solid waste by:

A. Instituting a comprehensive solid waste management program.

B. Establishing a mandatory recycling program pursuant to the requirements of Act 101 of the Pennsylvania General Assembly, 1988 and amendments thereto.

(*Ord. 1072, 11/8/2007, Art. I, §2*)

**§20-103. Definitions.**

The following words and phrases when in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

*Aluminum cans* - clean, non-aerosol and empty all-aluminum beverage and food containers.

*Authorized collector* - person, firm, or corporation registered with the Borough of Shillington to handle municipal waste and recyclables in accordance with the provisions of this Part.

*Borough* - the government jurisdiction and legal entity of the Borough of Shillington, Berks County, Pennsylvania.

*Bulky waste* - items of solid waste which due to their size, shape, or weight cannot be collected as a part of the normal weekly municipal waste collection and, therefore, require special handling: For example, large household appliances such as stoves and refrigerators, plumbing fixtures, furniture, large crates, tires, tools, machinery or parts thereof, and similar items in size shall be considered bulky waste.

*Commercial establishments* - any establishment engaged in a non-manufacturing or non-processing business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, and theaters.

*Construction and demolition waste* - lumber, roofing material, sheathing, rubble, broken concrete, macadam, plastic and brick, conduit, pipe, insulation, and other material that result from a construction, demolition, or remodeling process.

*Corrugated cardboard* - paper boxes constructed in a corrugated manner and

used as containers for business and consumer applications.

*Dwelling unit* - any room or group of rooms located within a building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating by one family.

*Exclusive contract* - an agreement entered into by the Borough of Shillington with a private person or corporation for the collection and disposal of all municipal waste and/or recyclables within the Borough of Shillington to the extent provided by this Part and the agreement.

*Glass* - plain, uncolored, or colored glass bottles and jars. Expressly excluded from this definition of glass is blue glass, lead crystal, porcelain, ceramic products, and tempered or plate glass.

*Hauler* - any person appropriately licensed by the State of Pennsylvania.

*Industrial establishments* - any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, and refineries.

*Institutional establishment* - any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

*Leaf waste* - leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

*Multi-family establishments* - rental housing apartment buildings or apartment complexes which have two or more dwelling units, and condominium associations and homeowner associations of two or more dwelling units which are established and organized in such a manner that the association provides common services for the residents of the housing development. This definition shall also include apartment buildings and apartment complexes owned and operated by institutional establishments if the institutional establishment charges a rental fee for the dwelling units.

*Municipal waste* - any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semi-solid, or contained gaseous 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 in the Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facilities. (Pennsylvania Act 101, §103)

*Newspaper* - paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and matters of public interest, excluding magazines.

*Person* - any individual, person, owner or motor carrier, partnership, corporation, association, institution, cooperative enterprise, 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.

*Plastic bottles* - empty and clean consumer product containers made of Polyethylene Terephthalate (PET), Polypropylene (PP), High Density Polyethylene

(HDPE), and Low Density Polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk, and other consumer food products, or for household cleaning products, or for personal care products.

*Recyclables/recyclable materials* - those materials specified by the Borough of Shillington for separation, collection, processing, recovery, or reuse as part of a recycling program.

*Residential unit* - (see “dwelling unit.”)

*Residential municipal waste* - municipal solid waste, as herein defined, that is generated at a dwelling unit.

*Residual waste* - any garbage, refuse, other discarded material, or other waste, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, mining, and 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 shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludge 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 act of June 22, 1937 (P.L. 1987, No. 394), known as the Clean Streams Law.

*Solid waste* - any waste, including but not limited to, municipal, residual or hazardous waste, including solid, liquid, semi-solid, or contains gaseous materials. (Pennsylvania Solid Waste Management Act 97, §103)

*Steel cans* - clean, non-aerosol, and empty all-steel (ferrous metal) or bi-metal beverage and food containers.

*Yard waste* - leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative materials.

(Ord. 1072, 11/8/2007, Art. I, §3)



**B. Storage, Handling, and Disposal of Municipal Waste.****§20-111. General.**

It shall be the duty of every owner of property and every person occupying a dwelling unit, premises, or place of business within the Borough where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this Part, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector; and to insure the sanitary and legal disposal of such waste in accordance with this Part and all other Borough, State, and Federal applicable laws and regulations.

(Ord. 1072, 11/8/2007, Art. II, §1)

**§20-112. Storage on Residential Property.**

1. *Containers.* All municipal waste accumulated by owners of residential property and/or the occupants of residential properties shall be placed in containers for collection by a licensed collector. The containers shall be durable, watertight, and made of rust-resistant metal or plastic. The size of each container shall not exceed 35-gallon capacity unless bulk (dumpster type) containers are used. Containers for curbside recyclables will be as specified by the Borough or as provided by the Borough directly or through exclusive contract for collection of recyclables. Use of bulk containers at multi-family establishments shall comply with the provisions of §20-113.1 below.

2. *Location of Containers.* Each municipal waste container and curbside recyclable container shall be placed for collection as to be accessible to the collector at ground level and at a point immediately, behind the curb line of the street, within no more than 10 feet of the cartway of the street or alley from which the collection with a vehicle is made if there is no curbing, or at a location mutually agreeable between the resident, the Borough, and the collector. Containers shall not be placed out for collection any earlier than 24 hours before the designated collection nor remain at the curbside longer than 24 hours after the collection has taken place. The Borough shall specify the location for the collection of uncontainerized recyclable material. Containers shall not be located within the cartway at anytime. Location of bulk containers at multi-family establishments shall be in accordance with §20-113.2, below.

(Ord. 1072, 11/8/2007, Art. II, §2)

**§20-113. Storage on Commercial, Institutional and Industrial Properties.**

1. *Containers.* Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers as required for residential properties except where the accumulation of solid waste for such commercial, institutional or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for storing of such additional quantities. Special arrangements shall include the number and type of special bulk container(s) to be furnished by the collector as may be approved by the Borough.

2. *Location of Containers.* Containers for the collection at commercial, institutional or industrial properties shall be located on the owner's or occupant's premises at

a place agreed upon by the owner or occupant of the commercial, institutional or industrial property and the registered collector and shall not be unsatisfactory to the Borough. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys, or entrances and exits of public or private buildings. Containers shall not be placed out for collection any earlier than 24 hours before the designated collection nor remain at the curbside longer than 24 hours after the collection has taken place.

*(Ord. 1072, 11/8/2007, Art. II, §3)*

**§20-114. Authorized Collectors.**

It shall be unlawful for any person or corporation other than persons or corporations registered with the Borough or licensed by the State of Pennsylvania, to collect and/or transport solid waste of any nature as a regular hauling business within or from the Borough.

*(Ord. 1072, 11/8/2007, Art. II, §4)*

**§20-115. Transportation of Solid 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 solid waste. The vehicles used to transport or convey solid waste shall be leak-proof and enclosed to the extent necessary to ensure no loss or spilling of waste from the vehicles. Pick-up trucks shall not be permitted to transport solid waste under any circumstance. The Borough shall have the authority to inspect the vehicles used for the transport of solid waste, as it deems necessary. The name and/or company logo of the owner of the vehicle shall also be displayed on both sides of the vehicle.

*(Ord. 1072, 11/8/2007, Art. II, §5)*

**§20-116. Disposal of Municipal Waste.**

All municipal waste produced, collected, and transported from within the jurisdictional limits of the Borough shall be disposed of at a landfill or other disposal facility licensed or permitted by the Commonwealth of Pennsylvania Department of Environmental Protection or other State government. However, the Borough reserves the right to designate a State-permitted facility of its choice and require that all municipal waste generated in the Borough be disposed of at this designated facility. If the Borough designates a disposal facility as provided for above, all authorized collectors, or collectors operating under contract with the Borough for collection of municipal waste, shall be informed by the Borough of the location, regulations and other information pertaining to the designated disposal facility. The Borough reserves the right to make inspections of authorized collectors to insure that waste generated within the Borough is being disposed of in an authorized or designated facility and to limit the use of a designated facility only to waste generated within the Borough. Any authorized collector found to be in violation of this Section shall be prohibited from collecting or hauling municipal waste in the Borough.

*(Ord. 1072, 11/8/2007, Art. II, §6)*

**§20-117. Unlawful Deposition of Municipal Waste.**

It shall be unlawful for any person to deposit for collection any solid waste, including bulky items not generated at the address from which collection is made, or to bring any solid waste into the Borough or from one address to another in the Borough for the purpose of taking advantage of the collection service or to avoid the cost of collection.

(*Ord. 1072, 11/8/2007, Art. II, §7*)

**§20-118. Bulky Waste.**

Bulky waste which is not collected by the normal or weekly residential collection shall not be stored outside of a building or accessory building on any land in the Borough, except for a period not exceeding 14 days pending the special handling for disposal of the bulky waste. However, brush, tree trimmings, yard clippings, leaves, grass, or other waste from live plants may be stored for longer period of time if necessary until the next scheduled collection for such items or for the purpose of composting such materials in accordance with the Borough ordinances, unless such storage violates other ordinances or regulations of the Borough. It shall be unlawful for any person to place bulky waste on any property other than on the property at which it was generated or directly associated with. Bulky waste shall be disposed of at a State permitted or licenced disposal facility, a facility especially designated by the Borough to take such bulky items or a legitimate salvage dealer that is in the business of disposing or recycling such items.

(*Ord. 1072, 11/8/2007, Art. II, §8*)

**§20-119. Construction and Demolition Waste.**

All waste materials resulting from the building, structural alteration, repair construction, or demolition of buildings or structures shall be disposed of as permitted by the regulations of the State Department of Environmental Protection or by pertinent ordinances or regulations of the Borough. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with the applicable laws and regulations.

(*Ord. 1072, 11/8/2007, Art. II, §9*)

**§20-120. Exclusions.**

1. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular or unscheduled basis to a State-permitted disposal facility or to the disposal facility as designated by the Borough in accordance with the regulations of the disposal facility.

2. Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting, or spreading of manure or other farm produced agricultural waste, not otherwise prohibited or regulated for the land application.

3. The provisions of this Part do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply; therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in

compliance with applicable State and Federal laws and regulations.  
(*Ord. 1072*, 11/8/2007, Art. II, §10)

**C. Service Fees and Billing.****§20-121. General.**

It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premise or place of business within the Borough where municipal waste is produced and accumulated to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this Part, to a registered hauler or the Borough.

*(Ord. 1072, 11/8/2007, Art. III, §1)*

**§20-122. Charges to Registered Hauler.**

Service fees for registered haulers shall be negotiable between the haulers and resident unless the Borough enters into an exclusive contract for services.

*(Ord. 1072, 11/8/2007, Art. III, §2)*

**§20-123. Charges to Be Established by Resolution.**

All service fees established under an exclusive contract for the collection of waste by the Borough shall be established by a resolution of the Borough Council. Service charges so established shall be reviewed at least annually and adjusted as necessary to insure that all costs involved in the collection and disposal of municipal waste under the exclusive contract, including the administrative costs of the Borough, are covered by the service charge.

*(Ord. 1072, 11/8/2007, Art. III, §3)*



**D. Recyclables.****§20-131. Introduction.**

The Borough, recognizing the reclaiming of recyclable materials is an important method for addressing the growing solid waste disposal problem through conserving landfill space, and that recycling conserves natural resources, reduces energy consumption and promotes the general interest, and to be in compliance with Pennsylvania Act 101, 1988, does hereby authorize and encourage collection, processing, storage, transportation, and recycling materials in accordance with the provisions of this Part 1D.

*(Ord. 1072, 11/8/2007, Art. IV, §1)*

**§20-132. General.**

Recyclables separated for the purpose of materials recovery rather than disposal and collection by the Borough or its designated agent or contractor shall not be considered solid waste as defined under this Part and shall not be subject to the provisions of this Part which requires the disposal of waste at designated facilities unless such recyclables become unmarketable.

*(Ord. 1072, 11/8/2007, Art. IV, §2)*

**§20-133. Establishment of Program.**

The Borough hereby establishes a program for the mandatory separation of recyclables from solid waste by persons residing in single-family dwellings and multi-family establishments and by commercial and industrial establishments. Commercial, institutional, apartment complexes, and industrial establishments which utilize centralized collections (dumpster-type) containers shall not be part of the municipal waste recycling program developed by the Borough. These commercial, institutional, apartment complexes, and industrial establishments shall be required to conduct their own recycling program as described in §20-137 below.

*(Ord. 1072, 11/8/2007, Art. IV, §3)*

**§20-134. Billing and Payment.**

1. It shall be the Borough's responsibility to bill each residential unit in the Borough on an annual basis the amount bid by the contractor. The Borough may add a surcharge to the unit charge to cover the Borough's administrative cost for managing the curbside recycling collection program and to cover any cost related to additional recycling services provided by the Borough.

2. An additional charge, as bid by the contractor for special back door pick-up for hardship cases, shall be added to the annual bill for the appropriate resident and billed and collected in the same manner as specified above.

*(Ord. 1072, 11/8/2007, Art. IV, §4)*

**§20-135. Items to Be Recycled.**

1. At residential units (including multi-family establishments):
  - A. Newspapers.

- B. Glass.
  - C. Aluminum and steel cans.
  - D. Plastic bottles.
  - E. Leaf waste.
2. At commercial, institutional and industrial establishments:
- A. Newspapers.
  - B. High-grade office paper and corrugated paper.
  - C. Aluminum and steel cans.
  - D. Glass.
  - E. Plastic bottles.
  - F. Leaf waste.

(*Ord. 1072, 11/8/2007, Art. IV, §5*)

**§20-136. Exclusions.**

Newspapers that are used for secondary purposes such as wrapping other waste or for cleaning which renders them unusable for recycling shall not be required to be recycled.

(*Ord. 1072, 11/8/2007, Art. IV, §6*)

**§20-137. Plan to Be Filed and Approved by the Borough.**

Commercial, institutional and industrial establishments conducting their own recycling program, not in conjunction with an agent of the Borough for the collection of municipal waste and recyclables, shall file with the Borough and have approved by the Borough, individual recycling programs which provide for, at minimum, the recycling of items listed in §20-135.2 above. All persons owning, leasing, operating, managing, and/or otherwise controlling commercial, municipal, or institutional establishments, or community activities, shall collect the recyclables and arrange for the removal of such materials to a center for recyclable materials. Annual reports, in writing, of the number of tons of such material recycled shall be made to the Borough by the fifteenth day of January of the following year. The owner and/or landlord or the agent of such owner and/or landlord of multifamily rental housing properties with centralized bulk (dumpster-type) containers shall comply with the requirements of this Part by establishing a collection system for the recyclable materials listed in §20-135.1, above, at each such property. The collection system must include suitable containers for the collection and sorting of said recyclable materials; easily accessible locations for the containers; and, written instructions to the occupants concerning the use of said collection system. The owner and/or landlord or the agent of such owner and/or landlord of multifamily rental housing properties not included in the collection system of the municipality shall establish a system for the collection of the afore listed recyclable materials and arrange for the removal of such materials to a center for recyclable materials. Annual reports, in writing, of the number of tons of such material recycled shall be made to the Borough by the fifteenth day of January of the following year.

(*Ord. 1072, 11/8/2007, Art. IV, §7*)

**§20-138. Establishment of Regulations.**

The Borough or its authorized agent shall establish and promulgate regulations on the manner, days, and time of collection of recyclable materials, and for the bundling, handling, location, and time of placement of such materials for collection. Regulations shall be promulgated for each of the programs undertaken including, but not limited to, the residential, multi-family, and commercial sources of recyclable materials.

(*Ord. 1072, 11/8/2007, Art. IV, §8*)

**§20-139. Separation of Recyclables and Placement for Disposition.**

Recyclable materials shall be placed behind the curb or other designated area, separated from solid waste, for collection or taken to drop-off sites at such time, date, manner, and places as may be established or authorized by the Borough. Containers shall not be placed out for collection any earlier than 24 hours before the designated collection nor remain at the curbside longer than 24 hours after the collection has taken place.

(*Ord. 1072, 11/8/2007, Art. IV, §9*)

**§20-140. Collection by Unauthorized Person(s).**

From the time of placement of recyclable items at the curb or designated location, or at a drop-off center as designated or authorized by the Borough, the recyclable items shall become the property of the Borough or its authorized agent or contractor. It shall be a violation of this Part 1D for any person unauthorized by the Borough to collect, pick up or cause to be collected or picked up any such items. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable hereafter provided.

(*Ord. 1072, 11/8/2007, Art. IV, §10*)

**§20-141. Recycling Vehicles.**

Vehicles used for the collection of recyclables from residential units shall be of a size and type that can be operated on the streets and alleys of the Borough without getting off of the traveled portion of the roadway or doing damage to curbing, planted areas, or private property. Vehicles shall be designed to prevent loss of materials during collection or transport and shall be watertight. All vehicles used in the collection or transport of recyclables shall have noise muffling devices which limit the noise of the vehicle to the current required manufacturer's standard.

(*Ord. 1072, 11/8/2007, Art. IV, §11*)

**§20-142. Unlawful Disposal of Recyclables.**

Upon and after the effective date of this Part it shall be unlawful for any person or persons to dispose of any recyclable item as established in §20-135 above co-mingled with other solid waste not required to be recycled or to dispose of such items in other places that will not insure that items are recycled unless the material is so contaminated that it is unacceptable for recycling.

(*Ord. 1072, 11/8/2007, Art. IV, §12*)



**E. Hours of Operation.****§20-151. Hours of Operation.**

Any person or hauler storing handling, collecting, transporting or disposing of solid waste and/or recyclable materials shall operate within the boundaries of the Borough of Shillington between the hours of 7 a.m. and 6 p.m. only.

*(Ord. 1072, 11/8/2007, Art. V, §1)*



**F. Penalties and Remedies.****§20-161. Penalties.**

Any person violating any provisions of this Part shall, upon conviction by a district magistrate, be subject to a fine of not less than \$100 nor more than \$1,000 together with the cost of prosecution, or imprisonment in the Berks County Jail for a period of not more than 30 days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this Section for each and every separate offense.

*(Ord. 1072, 11/8/2007, Art. VI, §1)*

**§20-162. Other Remedies.**

In addition to the foregoing penalty, the Borough may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove such solid waste after 5 days following written notice, the Borough may cause the solid waste to be collected and disposed of with the cost of such action to be charged to the owner or occupant of the property in a manner provided by law.

*(Ord. 1072, 11/8/2007, Art. VI, §2)*

