

**CHAPTER 20**

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**Part 1**

**Storage, Collection and Disposal**

**§101. Short Title.**

This Part 1 shall be known as “The Refuse Ordinance.” (Ord. 326, 7/12/1972, §1)

**§102. Definitions.**

ASHES — the residue resulting from the burning of wood, coal, coke or other combustible material.

BULKY RUBBISH — discarded furniture, large household appliances such as refrigerators, washing machines, bathtubs, sinks, commodes.

DISPOSAL — the storage, collection, disposal, or handling of refuse.

GARBAGE — all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.

PERSON — any natural person, association, partnership, firm or corporation.

REFUSE — all solid wastes except body wastes and shall include garbage, ashes, and rubbish.

RUBBISH — glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.

For purposes of this Part 1 the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 326, 7/12/1972, §2)

**§103. Preparation of Refuse and Storage Practices.**

1. Garbage. Shall be drained and stored in durable rust-resisting, nonabsorbent, watertight, easily washable containers, equipped with handles and tight-fitting covers.
2. Ashes. Shall be stored in fire-resistant containers equipped with handles and tight-fitting covers. Ashes containing hot embers shall not be collected until they have been adequately quenched.

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3. Rubbish. Shall be stored in durable containers with tight-fitting covers. Tree trimmings, hedge clippings, old newspapers and similar materials, which cannot be conveniently placed in the aforementioned containers shall be baled, tied or sacked in compact bundles less than three feet in length and placed in a location easily accessible to the collector.
4. Bulky Rubbish. Shall not be allowed to accumulate on any premise except in containers which are approved by the Borough Council in accordance with the specifications contained in this Part 1.
5. No person shall place refuse in any street, alley or other public place, or upon any private property within the limits of the Borough of Mohnton, unless it is placed in a proper refuse container for collection. Likewise, no person shall throw or deposit refuse in any stream or any other body of water.
6. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within three days after the effective date of this Part 1 shall be deemed a violation of same.
7. Certain materials, such as scrap lumber and firewood, may be stored and kept on the premises, but they shall be stored so that a minimum clear space of 12 inches above the ground surface is provided.

(Ord. 326, 7/12/1972, §3)

### **§104. Refuse Storage.**

All refuse storage shall conform to the following standards:

1. General.
  - A. All refuse receptacles shall be provided by the owner, tenant or occupant of the premises, unless otherwise specified.
  - B. The storage of all refuse by residents of the Borough of Mohnton shall be practiced so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.
  - C. A sufficient number of containers necessary to meet the intent of Subsection (B) shall be provided to contain all waste materials generated between regularly scheduled collections.
2. Individual Containers.

- A. Individual containers utilized for the storage of refuse at household and other premises shall have the following physical characteristics:
    - (1) Constructed in such manner as to be easily handled for collection.
      - (a) Not greater than 30 gallon capacity for garbage storage.
      - (b) Not greater than 30 gallon capacity for combined refuse storage.
    - (2) Constructed of rust and corrosion-resistant materials.
    - (3) Be equipped with tight-fitting lids.
    - (4) Constructed in such manner as to be watertight, leakproof, weather-proof, insectproof, and rodentproof.
    - (5) Shall not exceed 50 pounds in weight when filled.
  - B. Methods of Use of Individual Containers. Containers shall not be filled to the point where the lid will not fit properly.
3. Disposable Containers. Disposable container such as paper and polyethylene bags shall be acceptable for storage of refuse providing the following conditions are met:
- A. Only those bags specially designed for storage and collection shall be used.
  - B. Bags are protected against precipitation, animal damage and overloading to prevent littering or attraction of vectors.
  - C. Bags have holding strength capable of withstanding stresses until they are collected.
  - D. The opening is securely closed prior to setting out for collection.
4. Bulk Containers. Bulk containers for commercial, industrial, and institutional refuse shall meet the general and individual container requirements previously set forth except for size limitations. Bulk containers shall be sized according to the type and quantity of waste production, equipment handling capabilities, and the frequency of collection.
5. Open Storage. Certain wastes of a non-decomposable nature may be stored temporarily in a manner other than in containers.
- A. In order to minimize littering, magazines, newspapers, wastepaper, tree prunings, brush and yard trimmings, when stored outside of containers, shall be tied securely in bundles of such size as to be readily handled by the collection system.

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- B. Tires and outsized wastes such as furniture and appliance shall be stored so that water accumulation and rodent harborage are prevented.
6. Place of Collection. For collection purposes, except where there is an agreement with the collector to the contrary, refuse containers shall be placed at ground level, on the property, not within the cartway of a street or alley and easily accessible from the side of the street or alley from which collection is made.
  7. Frequency of Collection.
    - A. Refuse shall be collected one time per week.
    - B. Garbage shall be collected one time per week, October through June; two times per week, August and September.

(Ord. 326, 7/12/1972, §4)

### **§105. Licensing of Refuse Collectors.**

1. Only a person licensed by the Borough of Mohnton, Berks County, Pennsylvania, may collect refuse within the territorial limits of the Borough of Mohnton.
2. An authorized collector is one who has entered into a contract with or has been granted a license by the Borough of Mohnton, Berks County, Pennsylvania, for the specific purpose of collecting and disposing of refuse.
3. No licensed collector shall dispose of any refuse collected in the Borough of Mohnton, Berks County, Pennsylvania, except by conveyance to the Western Berks Refuse Authority disposal site in Cumru Township, Berks County, Pennsylvania.
4. Failure of a licensed collector to comply with the provisions of this Part 1 shall result in the revocation of his license or contract.

(Ord. 326, 7/12/1972, §5)

### **§106. Collection Vehicles.**

1. Except for the collection of bulky rubbish as designated in §104 of this Part 1, all vehicles used for the collection of refuse shall have watertight enclosed metal bodies of easily cleanable construction, equipped with compaction devices, or otherwise be acceptable to said Borough. (Ord. 326, 7/12/1972, §6)

**§107. Disposal of Refuse.**

1. No person shall hereafter dispose of any refuse collected in the Borough of Mohnnton, Berks County, Pennsylvania, except by conveyance to a disposal facility approved by the Pennsylvania Department of Environmental Resources and the Western Berks Refuse Authority. (Ord. 326, 7/12/1972, §7)

**§108. Refuse Collection and Disposal Fees.**

The Borough of Mohnnton, in order to provide refuse collection and disposal services will collect a refuse tax or charge in the manner prescribed under the ordinances of said Borough. (Ord. 326, 7/12/1972, §8)

**§109. Penalties.**

1. Any person who shall violate any provision of this Part 1 shall upon conviction, be sentenced to pay a fine of not less than \$25, nor more than \$350, or in default of payment of such fine, then to imprisonment for not more than 90 days.
2. Each day's continuance of a violation of this Part 1 shall constitute a separate offense.
3. The contractor collecting refuse in the Borough Refuse Collection Districts agrees that the Borough of Mohnnton's Secretary/Treasurer shall be authorized to deduct from payments due or to become due the contractor, the following amounts for each offense as a penalty.
  - A. For not collecting garbage, offal, or ashes and rubbish, as agreed: \$1 per can.
  - B. For overloading trucks or using leaky or filthy trucks: \$5.
  - C. For failure to collect on day specified: \$20.
  - D. For damage to disposal cans by reason of rough handling by contractor's employees: \$0.50 per can.
  - E. For willfully destroying disposal cans without the owner's consent: \$3 per can.
  - F. For unauthorized change in scheduled route: \$10 per day.
4. These penalties are to be so withheld if a violation here stated is proved to the satisfaction of the Borough of Mohnnton.

(Ord. 326, 7/12/1972, §9; as amended by Ord. 478, 8/10/1988)





**Part 2**

**Rates**

**§201. Short Title.**

This Part 2 shall be known as "The Mohnton Trash Collection Rate Ordinance." (Ord. 452, 9/11/1985, §1)

**§202. Imposition of Rates.**

1. Beginning January 1, 2006, the rates imposed for trash collection for household units and the owner or owners of property wherein said units are contained within said Borough are amended as follows:
  - A. For household units involving only one person: \$120 per annum.
  - B. For household units involving two or more persons: \$200 per annum.
2. The rates as provided in Section 1 aforesaid shall be due and payable as follows:
  - A. One person:

January-February	\$118
March-April	\$120
After April	\$132
  - B. Two or more persons:

January-February	\$196
March-April	\$200
After April	\$220
  - C. If payment is not received by December 15, the same shall be submitted for collection.
4. "Household unit" shall be defined as a house, apartment or separate living quarters for any occupant or occupants of the Borough of Mohnton.

(Ord. 452, 9/11/1985, §2; as amended by Ord. 468, 2/11/1987, §1; by Ord. 483, 12/14/1988, §1; by Ord. 496, 12/13/1989, §1; by Ord. 504, 12/12/1990, §1; by Ord. 512, 12/11/1992, §1; by Ord. 523, 12/9/1992, §1; by Ord. 541, 12/8/1993, §1; by Ord. 550,

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12/14/1994, §1; by Ord. 565, 12/12/1995, §1; by Ord. 580, 12/11/1996, §1; by Ord. 596, 12/10/1997, §1; by Ord. 605, 12/9/1998, §1; by Ord. 619, 12/8/1999; by Ord. 632, 12/13/2000; by Ord. 644, 12/12/2001; by Ord. 656, 12/18/2002; by Ord. 674, 12/10/2003; by Ord. 692, 12/8/2004; and by Ord. 709, 12/14/2005)

### **§203. Payment and Billing.**

The rates as provided in §202 shall be due and payable by June 30th. If payment is made before March 1st, a 2% rebate will be given. If payment is made after April 30th, a 10% penalty will be charged. (Ord. 452, 9/11/1985, §3; as amended by Ord. 468, 2/11/1987, §2; by Ord. 483, 12/14/1988, §2; as reenacted by Ord. 541, 12/8/1993, §1)

### **§204. Additional Charge.**

In the event the owner or owners of the property or the occupant acting on behalf of the owner or owners wherein said unit is contained does not pay the rates provided in this Part 2 or any amendment thereto within 60 days from the date of billing, there shall be added to said rate a charge 2% per month beginning on the 31st day following the billing date up to a total of 20% of said annual charge. (Ord. 452, 9/11/1985, §4)

### **§205. Penalties.**

Any person or entity violating any provision of this Part 2 or neglecting to comply with the terms hereof or any notice issued pursuant thereto for a period of one year shall be subject to a Borough claim for the amount owing plus interest and penalties as provided by law. (Ord. 452, 9/11/1985, §5)

**Part 3**  
**Recyclables**

**§301. 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. (Ord. 520, 12/12/1992, Art. I, §1)

**§302. General.**

Recyclables separated for the purpose of materials recovery rather than disposal and collected 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. 520, 12/12/1992, Art. I, §2)

**§303. 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 multifamily establishments and by commercial, institutional and industrial establishments. Commercial, institutional, apartment complexes and industrial establishments which utilize centralized collection (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 §306. (Ord. 520, 12/12/1992, Art. I, §2)

**§304. Items to be Separated and Recycled.**

1. At residential units (including multifamily establishments):
  - A. Newspapers.
  - B. Glass.
  - C. Aluminum and steel cans.
  - D. Plastic bottles.

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- 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. 520, 12/12/1992, Art. I, §4)

### **§305. 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. 520, 12/12/1992, Art. I, §5)

### **§306. 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 §304(2), above. All persons owning, leasing, operating, managing and/or otherwise controlling commercial, municipal or institutional establishments or community activities shall collect the recyclable materials. Annual reports, in writing, of the number of tons of such material recycled shall be made to the Borough by January 15 of the following year. The owner and/or landlord of 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 §304(1) above, at each such property. The collection system must include suitable containers for the collecting 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 Borough shall establish a system for the collection of the aforelisted recyclable materials and arrange for the removal of such materials to a center for recyclables materials. Annual reports, in writing, of the number of tons of

such material recycled shall be made to the Borough by January 15 of the following year. (Ord. 520, 12/12/1992, Art. I, §6)

**§307. 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 building, 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, multifamily and commercial sources and recyclable materials. (Ord. 520, 12/12/1992, Art. I, §7)

**§308. Separation of Recyclables and Placement for Disposition.**

Recyclable materials shall be placed at 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. (Ord. 520, 12/12/1992, Art. I, §8)

**§309. 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 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 as hereafter provided. (Ord. 520, 12/12/1992, Art. I, §9)

**§310. 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 water tight. 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. Any vehicle used in the collection and transport of recyclables from the Borough of Mohnton shall be subject to an annual inspection and licensing program administered by the Borough. Upon inspection and approval of vehicles, the Borough shall issue a sticker which shall be displayed on each side of the vehicle. Each vehicle shall also have displayed on both sides the name or company logo of its owner. (Ord. 520, 12/12/1992, Art. I, §10)

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### **§311. 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 §304 above, commingled 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. 520, 12/12/1992, Art. I, §11)

### **§312. Unlawful Disposition of Recycling Containers.**

It shall be unlawful for any person to intentionally destroy recycling containers or remove them from the premises to which they were assigned by the Borough of Mohnton. (Ord. 520, 12/12/1992, Art. I, §12)

### **§313. Penalties and Remedies.**

1. Penalties. Any person violating any provision 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.
2. 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 five 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. 520, 12/12/1992, Art. II)

### **§314. Amendments.**

This Part or any part thereof may be amended from time to time in accordance with the procedures as established by law. (Ord. 520, 12/12/1992, Art. III)