

ORDINANCE NO. 646, 2021

AN ORDINANCE OF THE BOROUGH OF SINKING SPRING, BERKS COUNTY, PENNSYLVANIA, RELATING TO THE PROMOTION OF PUBLIC HEALTH, SAFETY AND WELFARE WITHIN THE BOROUGH OF SINKING SPRING BY PROVIDING FOR AND REGULATING THE COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS, LEAF WASTES, AND MUNICIPAL SOLID WASTE WITHIN THE BOROUGH OF SINKING SPRING AND BY PROVIDING FOR FINES AND PENALTIES FOR VIOLATIONS OF THE SAME.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Sinking Spring, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1. MUNICIPAL SOLID WASTE.**

1. **Title.**

The short title of this article shall be the "Borough of Sinking Spring Municipal Solid Waste Ordinance," and the same may be cited in that manner.

2. **Definitions.**

The following words and phrases throughout this article shall have the following meanings:

- a. **ACT** - The Municipal Waste Planning, Recycling and Waste Production Act of 1988, 53 P.S. § 4000.101 et seq.
- b. **ALUMINUM CANS** - All food and beverage containers consisting of aluminum, excluding aluminum foil, trays, plates, and miscellaneous aluminum products.
- c. **ASHES** - The residue generated from the burning of wood or coal in dwellings, hotels, stores and churches.
- d. **BIMETALLIC CANS** - Food and beverage containers which consist of a steel (ferrous) cylinder bottom and an aluminum top.
- e. **PERMITTED COLLECTOR** - The entity or entities licensed pursuant to Pennsylvania Act 90 and/or permitted by the Borough to collect municipal solid waste and / or recyclable materials from residences within the Borough, or authorized by residents, commercial, municipal and institutional establishments that do not receive collection services from the Borough to collect municipal solid waste and / or recyclable materials from those properties.
- f. **COMMUNITY ACTIVITIES** - Events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, socials,

picnics, shows and organized sporting events attended by 200 or more individuals per day.

- g. DWELLING UNIT - One or more rooms in a residence or dwelling which room or rooms have fixed cooking facilities arranged for occupancy by one, two or more persons living together, or one family. This definition includes multiple family dwellings.
- h. DESIGNATED RECYCLABLE MATERIALS - Those materials specified by Borough to be recycled after public notice as set forth in Section 11 and 12 of this Ordinance.
- i. GARBAGE – Spoiled or waste food that is thrown away, generally defined as wet food waste.
- j. GLASS - All empty bottles, jars and other containers made of clear, green or brown glass. This includes all food and beverage containers made of glass. Excluded are blue glass, ceramics, light bulbs, pottery and flat glass commonly known as window or plate glass
- k. INSTITUTIONAL ESTABLISHMENT - An establishment engaged in service, including but not limited to hospitals, schools, nursing homes, day-cay centers and prisons.
- l. LEAD ACID BATTERIES - Includes, but is not limited to, automotive, truck and industrial batteries that contain lead.
- m. LEAF WASTE – Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.
- n. YARD WASTE – Leaves, garden residues, grass clippings, tree trimmings, chipped shrubbery and other vegetative material.
- o. MIXED PAPER - Newspaper, cardboard, office paper, magazines, junk mail and paper commonly having printed thereon news and other matters of public interest.
- p. MULTIFAMILY HOUSING PROPERTIES - Any properties having two or more dwelling units per structure.
- q. MUNICIPAL ESTABLISHMENT - Public facilities operated by the Borough and other governmental and quasi-governmental authorities.
- r. MUNICIPAL SOLID WASTE - Any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from 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,

wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

- s. PERSON(S) - Owners, lessees and occupants of residences and commercial, municipal and institutional establishments.
- t. PLASTICS - All food, beverage and detergent containers comprised of the following resins: #1 through # 6.
- u. RECYCLABLE MATERIALS - Those materials specified by Borough for separation, collection, processing, recovery or reuse as part of a recycling program.
- v. RECYCLING - The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste and other materials which would otherwise be disposed 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.
- w. RESIDENCES - Any occupied single family dwelling for which the Borough provides municipal waste collection service.
- x. SOURCE-SEPARATED RECYCLABLE MATERIALS - Materials that are separated from municipal waste at the point of origin for the purpose of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, mixed paper, newsprint, corrugated paper, plastics and other marketable grades of paper.
- y. STEEL CANS - All food and beverage containers consisting of steel.
- z. SUSTAINED EDUCATION PROGRAM - The ongoing effort of Borough to inform the general public concerning the requirements of this Ordinance.
- aa. BOROUGH - The Borough of Sinking Spring.
- bb. WASTE - A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection for beneficial use.
- cc. COMMERCIAL ESTABLISHMENT – An establishment engaged in non-manufacturing or non-processing business, including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

**3. Disposal to be in accordance with this Ordinance.**

No person shall dispose of municipal solid waste in the Borough, except in accordance with this Ordinance. It shall be the responsibility of the property owner to make sure that

all municipal solid waste which is disposed of from his/her or its property is done so in accordance with the regulations in this Ordinance.

**4. Storage and collection of municipal solid waste.**

- a. Every occupant or owner of dwelling unit or eligible commercial establishment in the Borough shall dispose of all his/her/its municipal solid waste in a clean and sanitary manner by placing it in the containers required by this Ordinance.
- b. Garbage shall be drained free of liquids and wrapped securely in paper and shall be placed for collection, mixed with the municipal solid waste in waterproof covered containers. Such containers shall be kept clean and disinfected. The Borough may refuse to collect un-drained garbage of a liquid or semi-liquid nature, unwrapped or improperly contained.
- c. Municipal solid waste shall be stored and placed out for collection in waterproof metal or plastic containers or bags which shall not exceed a capacity of thirty five (35) gallons. All containers shall be provided with tight-fitting lids which are windproof, rat proof and fly proof. The lid shall not, however, be roped, chained or permanently affixed to the container unless hinged by the factory.
- d. Paper, including cardboard and material of like nature, shall be separated from the municipal solid waste and must be securely tied or baled together with suitable cord or placed in a combustible bag or box, which box or receptacle shall be collected and recycled, with the paper as recyclable material.
- e. No municipal waste container, including the contents thereof, shall exceed fifty (50) pounds.
- f. No live coals or fire shall be placed in any container or placed out for collection.
- g. No infectious or diseased-bearing waste, inflammables or explosives, or human feces shall be placed in any container or placed out for collection.
- h. No chemicals, oils, pesticides, herbicides or hazardous waste, as these terms are defined by the Department of Environmental Protection or the Environmental Protection Agency, shall be placed out for collection.
- i. No deposit of ashes or other municipal solid waste shall be made in any street, lane, alley or upon any open space or ground or in any creek within the limits of the Borough.
- j. The container or bags for the purpose of disposing of solid waste shall be provided by the person disposing the waste, or by the supplier upon agreement with the person disposing of the waste. The Borough shall not be required to provide the container or bags for disposal.

5. **Public collection regulations.**

- a. Municipal solid waste shall be collected from each qualified unit at least once a week, as specified by the Borough.
- b. Owners or occupants of each property in the Borough shall be required to pay for and to receive municipal solid waste collection once each week by the Borough or its authorized agent. Those properties which require more than the equivalent of six (6) thirty-five gallon trash bags or trash cans for the disposal of municipal solid waste will be required to employ a private collector. When it is determined by Codes Officer, or the designated officer for the Borough that the amount of municipal solid waste set out for public collection exceeds this amount on any regular basis, the Codes Enforcement Officer, or the designated officer shall notify the property owner that the Borough, or its authorized representative, will cease further collections for the concerned property and that the property owner will be required to make arrangements to have a private permitted collector assume such collections.
- c. Anyone that is required to employ a private collector shall pay a fee of \$50 per year for a permit and shall submit waste disposal receipts, within 10 days of each written request by the Borough, for such receipts. Persons who are permitted to use private permitted collectors shall have at least one collection a week or more often as necessary to protect the public health and safety, with more frequent collections if, in the opinion of the Code Officer, or the designated officer, of the Borough or the Fire Chief, the public health and safety so require it. The Borough will not collect any municipal solid waste from properties which are permitted to employ a private permitted collector.
- d. Municipal solid waste shall be collected from the curb on the days specified by Borough regulations. Containers shall be set out no later than 5 a.m. on the day of collection and not earlier than 12 p.m. of the day preceding collection. Empty containers will be taken inside the property lines not later than 12 o'clock midnight of collection day.
- e. The vehicles of those Collectors who have contracted with the Borough to remove municipal solid waste from certain residences will not enter private property for the purpose of collecting municipal solid waste without a legal release from damages signed by the owner of such property. Releases will be obtained if the Borough contracted vehicles enter such property. Property and accesses thereto must be large enough so as not to impede or delay the movements of the Borough contracted vehicles. The contractor shall operate his vehicles within the Borough so as to cause the least possible noise or disruption to traffic flow on Borough streets.
- f. Collections which fall on legal holidays will be collected on the following day or as advertised by the Borough.

- g. Designated recyclable materials shall be collected from each property weekly, as specified by the Borough.
- h. No more than six (6) thirty-five (35) gallon trash bags or trash containers shall be permitted to be placed for collection in any week.

**6. Accumulations of waste and littering prohibited.**

Any person owning or occupying any building, lot or premises shall not allow any municipal solid waste to collect or remain upon said property; provided, however, that this prohibition shall not be construed as interfering with construction under a valid permit during the course of construction and within a reasonable time thereafter or the piling of wood neatly for fireplace or kitchen use. No municipal solid waste shall be permitted to accumulate on the ground nor be deposited on highways, streets, alleys, sidewalks, vacant lots or public grounds nor be thrown into a stream or other body of water.

**7. Private collection regulations.**

- a. Persons who utilize private permitted collectors or who are not eligible to have their municipal solid waste collected by the Borough under the terms of this Ordinance shall have their municipal solid waste collected at least once a week, or more frequently when it is determined by the Borough that such additional collections are necessary to protect the public health, safety and welfare. The Borough will not collect any municipal solid waste from any person who utilizes or shall be required to utilize a private permitted collector under the terms of this Ordinance.
- b. All dumpsters serviced by private permitted collectors for the collection of municipal solid waste as required by this Ordinance shall comply with the regulations set forth herein and shall be located on private property.
- c. Private permitted collectors shall be permitted to collect, remove and transport municipal solid waste within the Borough on all days of the week except Sunday and the following holidays:

New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Unless otherwise authorized by the Code Officer, or the designated officer, for the Borough, the collection of municipal solid waste shall not commence before 5:00 a.m. and may not continue after 5:00 p.m.

- d. The private permitted collector shall operate their vehicle within the Borough so as to cause the least possible noise or disruption to traffic flow on Borough streets.

8. **Permitted collector application and issuance of permits.**

Generally, no person other than the Borough designated municipal solid waste collector shall collect or transport regulated municipal solid waste or designated recyclable materials within the jurisdiction of the Borough, except with the specific written permission of the Borough.

9. **Interference with municipal solid waste or recyclables out for collection prohibited.**

It shall be unlawful for any person not authorized to do so to remove the lid from any municipal solid waste or recycling container or to collect, molest or scatter such materials set out for collection.

10. **Establishment of recycling program.**

The Borough hereby establishes a recycling program for the mandatory separation and collection of recyclable materials by a Borough designated hauler from all dwelling units and all commercial units located in the Borough. Collection of the recyclable materials shall be made weekly by the Borough and its designated agent. The recycling program shall also contain a sustained public information and education program.

11. **Residential separation and collection.**

a. All persons who are residents in the Borough shall separate all of those recyclable materials, as noted in this Ordinance, by the Borough from all other municipal solid waste produced at their homes, apartments and commercial units, store such materials for collection and place same for collection in accordance with the guidelines established hereunder.

(1) All recyclable materials within the Borough shall be placed at the curbside in containers provided to residences for collection by the Borough. Containers provided to residences for collection of recyclable materials shall be the property of the Borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough, shall turn the allocated container over to the new property owner or shall pay the replacement cost of said container. Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any persons other than the person allocated such container shall be a violation of this Ordinance.

(2) Designated recyclable material shall consist of the following materials as they are herein defined and are prohibited from being burned:

- (a) Aluminum Cans.
- (b) Bimetallic Cans
- (c) Mixed Paper.

- (d) Bimetal cans.
- (e) Ferrous containers or tin cans.
- (f) Clear glass.
- (g) Brown glass.
- (h) Green glass.
- (i) #1 through #6 plastic bottles and containers.
- (j) Yard Waste

(3) All recyclable materials for collection shall be prepared for collection in accordance with the following:

- (a) All Mixed Paper shall be placed in a paper bag or tied in bundles not exceeding 35 pounds in weight nor exceeding one foot in thickness.
- (b) Glass and plastic containers shall have caps and lids removed.
- (c) Glass, plastic and cans shall be placed in a commingled container.
- (d) Materials must be placed at the curbside no later than 5:00 a.m. on the date scheduled for collection. The bundled newspapers and commingled glass and cans shall be placed at the curbside for collection adjacent to one another.

**12. Mandatory commercial and institutional source separation program.**

- a. All persons within the Borough who are not residing in dwellings and/or who are not served by curbside collection as set forth by this article shall source-separate and arrange for the collection for recycling of all designated recyclables within 30 days of the effective date of this Ordinance. Those who are served by curbside collection, shall comply with the Residential separation and collection requirements set out in Article XI, above.
- b. Designated recyclables for the mandatory commercial, institutional and community events source separation program shall consist of the following materials and are prohibited from being burned:
  - (1) Aluminum Cans.
  - (2) Bimetallic Cans.
  - (3) Glass.



- (4) Mixed Paper.
  - (5) #1 through #6 plastic bottles and containers.
  - (6) Steel cans.
  - (7) Yard waste
- c. Other recyclable materials may be designated by the Borough 30 days after said designation and publication of notice in a newspaper of general circulation within the Borough.
  - d. The arrangement for collection of designated recyclable materials for disposition hereunder shall be the responsibility of the person who generates recyclables or the person contractually obligated to the generator to arrange for collection and disposal of its designated recyclable materials.
  - e. Provide quarterly reports to the Borough, in writing, of the number of tons of such material recycled. Such reports shall be made within the first week of the months of January, April, July and October, for the preceding quarter.

**13. Ownership of recyclable materials.**

All recyclable materials placed by persons for collection by the Borough or authorized collector pursuant to this article shall, from time of placement at the curb, become the property of the Borough. Nothing contained in this article shall be deemed to impair the ownership of separated recyclable materials by persons unless and until such materials are placed at the curbside for collection.

**14. Recycling of material.**

Disposal by persons of recyclable materials with municipal solid waste is prohibited and shall be a violation of this article. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials in landfills or to be burned in incinerators is prohibited unless a prior exemption is obtained, in writing, from the Borough prior to the incineration or landfilling thereof.

It shall be unlawful for any person to burn any material required to be recycled under this Ordinance or Pennsylvania Act 101, at any place within the Borough.

**15. Non-collection of contaminated municipal solid waste.**

The Borough or at the direction of the Borough, the designated contractor collecting municipal solid waste generated within the Borough may refuse to collect municipal solid waste from any person who has clearly failed to source-separate recyclable materials designated under an applicable section of this article. In that event, the Borough reserves

the right to declare that such person is in violation of this Ordinance and subject to the penal provisions thereof.

16. **Yard waste reuse and recycling**

The Borough has instituted a yard waste collection program. Residents may place leaves along the edge of public streets along the curb line for collection for collection by the Borough during the leaf collection season of October until December. Residents who need assistance transporting yard wastes to the Sinking Spring Yard Waste Drop-off Site may contact the Borough Public Works Director at the Borough's office, to request assistance and schedule an appointment.

All yard wastes shall be placed in approved paper recycling bags.

All yard waste must be separated, leaves, grass clippings, branches and the like must each be placed in separate recycling bags. Branches must be tied in bundles not exceeding six (6) feet in length and not exceeding 50 pounds in weight.

17. **Noninterference with existing contract.**

- a. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the Borough on the effective date of this article.
- b. No renewal of any existing contract upon the expiration of the original terms thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclable shall be entered into after the effective date of this article, unless such renewal or such contract shall conform to the requirements of this article.

18. **Violations and penalties.**

- a. General.

Citations and other enforcement actions concerning this Ordinance may be taken and / or issued by the Borough's Code Enforcement Officer, Borough Secretary or police officers of the Borough for violations by property owners, tenants or collectors.

- b. Summary Offense.

Whoever violates any provision of this Ordinance shall, upon conviction, be guilty of a summary offense and be fined not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00) per violation along with the cost of prosecution. Each day's violation of any provision of this Ordinance shall constitute a separate offense. In default of the payment of such

fine and cost, the person shall undergo imprisonment for a period of not more than thirty (30) days.

**Ticketing Option.**

Borough officials, as set forth above, vested with authority to issue citations, may, in lieu of filing summary citations with the appropriate District Magistrate, may instead issue local municipal tickets as set forth below, which fee schedule may be amended by Resolution of the Borough:

- |     |                         |                      |
|-----|-------------------------|----------------------|
| (1) | 1 <sup>st</sup> offense | written warning only |
| (2) | 2 <sup>nd</sup> offense | \$100.00             |
| (3) | 3 <sup>rd</sup> offense | \$100.00             |
| (4) | 4 <sup>th</sup> offense | \$200.00             |
| (5) | 5 <sup>th</sup> offense | \$300.00             |
| (6) | 6 <sup>th</sup> offense | \$600.00             |
| (7) | Every other offense     | Up to \$900.00       |

The above schedule shall be enforced on a calendar year basis.

In the event that the alleged violator does not pay the local municipal tickets so noted above within ten (10) calendar days from its issuance date, Borough officials may proceed with the filing of a summary citation.

ENACTED AND ORDAINED as an Ordinance of the Borough of Sinking Spring, Berks County, Pennsylvania this 7<sup>th</sup> day of October, 2021.

BOROUGH OF SINKING SPRING

BY:   
Chairman

ATTEST:   
Secretary

