

## Chapter 155

### SOLID WASTE

**[HISTORY: Adopted by the Borough Council of the Borough of Upland: Art. I, 12-9-1986 as Ord. No. 9-1986; Art. II, 7-14-1987 as Ord. No. 14-1987; Art. III, 5-12-1992 as Ord. No. 5-1992. Amendments noted where applicable.]**

#### ARTICLE I

##### Collection Fees

**[Adopted 12-9-1986 as Ord. No. 9-1986]**

**§ 155-1. Fee established.** [Amended 12-13-1988 by Ord. No. 10-1988<sup>1</sup>]

There shall be imposed each year a fee as set from time to time by resolution of the Borough Council per unit for the collection and disposal of ashes, garbage, rubbish and refuse within the Borough of Upland.

**§ 155-2. Collection of fees; nonpayment.**

All accounts shall be due and payable as provided for by the Borough Council, and if the same is unpaid within sixty (60) days from the time of the delivery of said bill, said account shall be considered delinquent and the service of collection of said ashes, garbage, rubbish and refuse shall be stopped without further notice. It shall be the duty of the Borough Tax Collector, who bills for the collection of ashes, garbage, rubbish and refuse to forthwith notify the Borough Secretary of any unpaid fees, and the Borough Secretary shall certify to the person in charge of directing the collections that service on such delinquent accounts shall cease. Service shall be resumed thereafter only on payment of the annual collection charge, unless the Borough Council of the Borough of Upland shall specifically direct otherwise. The stoppage of service hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the borough to proceed for the collection of such unpaid charges by an action in assumpsit, or at the election of the borough, in any other manner provided by law.

**§ 155-3. Exemptions.**

The Borough Council hereby reserves the right to exempt any person or persons from the payment of the aforesaid taxes and/or fees upon said person or persons proving to the Borough Council that he, she or they are suffering from such a severe economic hardship that the payment of said tax and/or fee will only further increase said economic hardship to said person or persons.

**§ 155-4. Designation of collection days.**

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1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

The Borough Council or its agent is empowered to designate the day(s) of the month on which recyclables shall be collected, removed and disposed of from a particular area.

**§ 155-5. Violations and penalties.** [Amended 7-12-1988 by Ord. No. 7-1988]

Any person, firm or corporation who violates or neglects to comply with any provision of this Article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine not to exceed six hundred dollars (\$600), except that the maximum fine for failure to comply with this Article shall not exceed ten dollars (\$10.) for the first offense or five dollars (\$50.) for any succeeding offense. No enforcement of this Article shall be made until two (2) months from the effective date hereof.

**§ 155-6. Exceptions.**

Any resident may donate or sell used newspapers to any person, partnership or corporation, whether operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up said used newspapers from the curbside in the Borough of Upland.

ARTICLE II  
**Solid Waste Disposal**  
[Adopted 7-14-1987 as Ord. No. 14-1987]

**§ 155-7. Definitions.**

The following terms shall have the following meaning in this Article (Certain terms used herein are also defined in the recitals hereto):

**COLLECTOR** — Any person collecting or transporting municipal solid waste for owners or occupants of property in the municipality, including the municipality itself if it undertakes the collection of municipal solid waste directly, and any business or institution within the municipality which generates municipal solid waste and uses its own employees and equipment for the collection and transport of the waste.

**CONTRACTOR** — One (1) or more contractors with whom the county or the Delaware County Solid Waste Authority (hereinafter referred to as "Authority") contracts for construction and operation of the proposed resource recovery plant or plants, or other solid waste facilities.

**DEPARTMENT** — The Pennsylvania Department Environmental Protection. [Added 12-13-1994 by Ord. No. 11-1994]

**HEAVY TRASH** — Large items of solid waste, including but not limited to appliances, furniture, carpets, tires or other items which may require special handling due to their size, shape or weight. [Added 12-13-1994 by Ord. No. 11-1994]

**INDUSTRIAL ESTABLISHMENT** — Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants and refineries. [Added 12-13-1994 by Ord. No. 11-1994]

**INSTITUTIONAL ESTABLISHMENT** — Any establishment engaged in service,

including but not limited to hospitals, nursing homes and schools. [Added 12-13-1994 by Ord. No. 11-1994]

**MUNICIPAL SOLID WASTE** — Any garbage, refuse, industrial lunchroom or office waste, and other material, including solid or semisolid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of "municipal solid waste" as set forth in the Act and which the county, authority or contractor by its ordinance or regulations is willing to accept at the plant, but excluding:

- A. Any liquid waste or sludge.
- B. All wastes which are defined by existing or future federal or state law or regulations as hazardous waste or industrial residual waste.
- C. Any waste which may be marketable and which is intentionally segregated for purposes of recycling.
- D. Materials specifically excluded under applicable county ordinances.

**MUNICIPALITY** — The Borough of Upland.

**PERSON** — Any individual, partnership, corporation, association, institution, cooperative enterprise, state institution and agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Article 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. [Amended 12-13-1994 by Ord. No. 11-1994]

**PLANT** — The energy and/or material recovery facility or facilities, transfer station or solid waste plants owned by the county or authority or the contractor, including all associated property and equipment.

**SCAVENGING** — The unauthorized and uncontrolled removal of materials placed for collection. [Added 12-13-1994 by Ord. No. 11-1994]

**SOLID WASTE FACILITY** — Any site owned and operated by the county, the Authority, or its designated contractor for the purpose of transfer, processing or disposal of municipal solid waste, including landfills, resource recovery plants and transfer stations.

**STORAGE** — The containment of any waste on a temporary basis, usually for collection in such a manner as not to constitute disposal of such waste. [Added 12-13-1994 by Ord. No. 11-1994]

**§ 155-8. Prohibitions.** [Amended 12-13-1994 by Ord. No. 11-1994]

- A. It is hereby declared to be unlawful and a public nuisance for any person to accumulate or permit to accumulate upon any property in the Borough of Upland, any municipal or residual solid waste or to dispose of same except in accordance with this Article, and other ordinances or regulations.

- B. It shall be unlawful for any person to burn or to permit to be burned, within the Borough of Upland, any municipal or residual solid waste except in accordance with this Article, any department rules and regulations adopted pursuant to Act 97, the Delaware County Municipal Waste Flow Ordinance 90-4 of 1990 and regulations of the Department of Health of the State of Pennsylvania and the County of Delaware.
- C. It shall be unlawful for any person to dispose of any municipal or residual solid waste in the Borough of Upland except in accordance with this Article, any department rules and regulations adopted pursuant to Act 97, the Delaware County Municipal Waste Flow Ordinance 90-4 of 1990 and regulations of the Department of Health of the State of Pennsylvania and the County of Delaware.
- D. It shall be unlawful for any person to haul, transport, collect or remove any municipal or residual solid waste or other waste from public or private property.
- E. It shall be unlawful for any person to throw, place or deposit or cause or permit to be thrown, placed or deposited any municipal or residual solid waste or other wastes upon any street, alley, sidewalk, body of water, public or private property within the Borough of Upland except as provided in this Article.

**§ 155-9. Storage.** [Added 12-13-1994 by Ord. No. 11-1994]

- A. The storage of all municipal solid waste shall be practical so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
- B. Any person producing municipal solid waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regulatory scheduled collections and shall place and store all waste materials therein.
- C. Any person storing municipal solid waste for collection shall comply with the following preparations standards:
  - (1) All municipal solid waste shall be drained free of liquids before being placed in storage containers.
  - (2) All garbage or other recyclable waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.
  - (3) All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
  - (4) Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than three (3) feet in length, not more than two (2) feet in diameter and not more than forty (40) pounds in weight. No single piece shall be more than three (3) inches in diameter.

- (5) Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than forty (40) pounds in weight.
- (6) When specified by the borough or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.
- (7) Carpets and/or carpet materials and padding shall be hereby included in the definition of "heavy trash." These materials shall be reduced in size or bundled in manageable sizes with no single piece greater than forty (40) pounds in weight.
- (8) Reusable containers for individual residences shall have a capacity or not less than ten (10) gallons nor more than thirty (30) gallons and a loaded weight of not more than forty (40) pounds and shall be limited to three (3) such containers per residence.
- (9) Disposable plastic bags or sacks are acceptable containers, provided that the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection and shall have a capacity of not more than thirty (30) gallons and a loaded weight of not more than thirty-five (35) pounds.
- (10) All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

D. Any person storing municipal solid waste for collection shall comply with the following storage standards:

- (1) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
- (2) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
- (3) Containers shall be used and maintained so as to prevent public nuisances.
- (4) Containers that do not conform to the standard of this Article or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the borough.
- (5) Containers shall be placed by the owner or customer at a collection point specified by the borough.
- (6) With the exception of pickup days when containers are placed for collection, the containers shall be properly stored on the owner or customer premises at all times.

E. The storage of all municipal solid waste from multifamily residential units,

commercial establishments, industrial establishments, institutional establishments and any other waste sources is subject to the regulations and standards set forth in this Article. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the borough.

**§ 155-10. County/Authority operations and charges.** [Amended 12-23-1994 by Ord. No. 11-1994]

- A. The municipality has been advised by the county that the Solid Waste Plan proposes to provide for a plant or plants which will be operated efficiently and economically by the contractor and/or by the county and in accordance with all applicable laws and regulations, and also that the contractor and/or the county will impose reasonable charges, which will be uniform among all classes of users of the plant or plants.
- B. Annual costs shall be made available by the borough on any competitively bid residential collection service contract that may be awarded by the borough.
- C. The borough shall be responsible for the payment of any fees for solid waste collection and disposal for residential customers receiving standard contracted service.
- D. Licensed collectors shall be responsible for the collection of any fees for private arrangement of private contract solid waste collection and disposal services provided to any individual, residential, commercial, institutional or industrial source within the borough.

**§ 155-11. Operations by licensed collectors.** [Amended 12-13-1994 by Ord. No. 11-1994]

Except as it pertains to municipal solid waste collected directly by the Borough of Upland, all collectors of municipal solid waste within the borough shall be licensed in accordance with Section 3 of the Delaware County Municipal Waste Flow Control Ordinance, 90-4 of 1990, and shall be responsible for collecting municipal solid waste from properties in the borough pursuant to a contract between them and the borough and/or contracts between them and the owners or occupants of properties.

**§ 155-12. Disposal at designated site.**

All collectors shall deliver and dispose of all municipal solid waste collected within the municipality at the solid waste facility designated by the county subject to such reasonable regulations for the operation thereof as may be established by the county and/or contractor. Delivery and disposal at any other place shall be a violation of this Article and cause for revocation of the collector's license, except in special circumstances approved in advance by the municipality and the county and/or contractor. All collectors shall comply in their operation with all applicable laws, ordinances and regulations pertaining to the collection and transportation of municipal solid waste.

**§ 155-13. Private dumps, transfer stations and landfills prohibited.**

No person shall use or permit to be used any property owned or occupied by him within the municipality as a public or private dump, transfer station or landfill for municipal solid waste, whether generated within the municipality or elsewhere, without the express written approval of the municipality.

**§ 155-14. Violations and penalties.** <sup>2</sup>

Any person who shall violate any provision of this Article shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment thereof, shall be committed to the county jail for a period not exceeding thirty (30) days; and each day's continuance of a violation of this Article as well as each truckload of illegally delivered trash shall constitute a separate offense.

**§ 155-15. Abatement of nuisance.**

In addition to the remedies provided in § 155-14 herein, any continued violation of this Article or other applicable law which shall constitute a nuisance in fact, or which in the opinion of the governing body of this municipality shall constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

**§ 155-16. Regulations; collections.** [Amended 12-13-1994 by Ord. No. 11-1994]

- A. Regulation. The collection of municipal solid waste in the Borough of Upland and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Borough Council; provided, however, that no such rules and regulations shall be contrary to the provisions of this Article, the County Solid Waste Plan or any other applicable law.
- B. Collection.
  - (1) The borough shall provide for the collection of all municipal solid waste and heavy trash from single-family dwelling units as defined in the Delaware County Municipal Waste Flow Control Ordinance, 90-4 of 1990. Municipal solid waste generated from a building or group of buildings not meeting this definition constitute "commercial waste" and these owners shall contract with a private collector or collectors to provide this essential residential collection service. The borough reserves the right to require more frequent collection when deemed necessary.
  - (2) Residential and heavy trash collection schedules and fees shall be published, as deemed necessary, by the borough.
  - (3) Placement of container(s) at curbside may be no earlier than 5:00 p.m. on the day prior to the designated collection day and must be removed from curbside to the storage place no later than 6:00 p.m. on the day of collection.

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2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (4) All waste collection activity shall be conducted from Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., or on Saturdays between the hours of 9:00 a.m. and 5:00 p.m., unless prior approval or any exception has been granted by the Borough Council or its designated representative. No collection, hauling or transporting of municipal solid waste shall be permitted on Sunday.
- (5) All licensed haulers and haulers under contract with the borough shall comply with the following standards and regulations:
  - (a) All municipal solid waste collected within the borough shall ultimately be disposed only at facilities cited in the Delaware County Solid Waste Plan or subsequent revisions thereto.
  - (b) Any trucks or other vehicles used for the collection and transportation of municipal solid waste must comply with the requirements of Act 97 and any department rules and regulations adopted pursuant to Act 97 and must be licensed/stickered in accordance with Section 3 of the Delaware County Municipal Waste Flow Control Ordinance, 90-4 of 1990.
  - (c) All collection vehicles conveying waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, the attraction of vectors, the creation of odors and other nuisances.
  - (d) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
  - (e) All solid waste collection vehicles shall be operated in a clean and sanitary condition.

**§ 155-17. Amendments, contract.**

The municipality reserves the right to amend this Article or repeal it at any time, provided, however, that the requirement for use of the designated solid waste facility for disposal of municipal solid waste from the municipality shall not be amended or repealed without the prior express written approval of the county during the term of the contract between the county (or Authority) and contractor providing for the construction and operation of the plant, which contract shall have a term of twenty five (25) years. For the purposes of securing the contractor's financing, such requirement shall be deemed to be a contract between the county, the contractor and the municipality, which the municipality (subject to the terms of the Joint Cooperation Agreement set forth below) agrees to enforce so that the municipal solid waste from the municipality will be available to provide a source of energy for the plant. If the municipality is not now a collector but in the future it becomes a collector it agrees to deliver all municipal solid waste so collected to the plant.

**§ 155-18. Joint cooperation agreement.**

- A. The municipality agrees to deliver or cause to be delivered during the term of this Agreement all municipal solid waste, as defined herein, generated within the

municipality for disposal at a facility designated by the county.

- B. The county agrees to accept for disposal all such municipal solid waste described in Subsection A above upon completion and commencement of operation of the plant in accordance with a contract, containing terms satisfactory to the county, with the contractor providing for construction and operation of the plant.
- C. The term of this Agreement shall be for a period of twenty-five (25) years, and said term shall commence on the date when the county advises the municipality that the plant is operational. The municipality at its option may terminate this Agreement with thirty (30) days' written notice to the county in the event that the municipality will incur substantial costs over and above the costs generally accepted by the other municipalities in delivering municipal solid waste to the county during the term of this Agreement, provided the municipality has first obtained final approval from the Department of Environmental Resources for their own plan under the Act, or an approval from the Department for a modification that brings the municipality under another plan that has already obtained final approval. It is understood, however, that (upon any such termination of this Agreement by the municipality) the county, the Authority, and/or the county's contractor shall be relieved of any responsibility to accept and dispose of municipal solid waste generated within the municipality. It is further understood that any such termination of this Agreement by the municipality shall constitute a repeal, whether express or implied, of § 155-19 of this Article.
- D. The county shall hold harmless and defend the municipality from any suit, claim or action challenging the legality of this Article against the municipality. In the event that any such suit, claim or action is brought against the municipality, the municipality shall authorize the county, through its designated legal counsel, to defend against the same, and the municipality shall cooperate with the county in said defense and shall give the county solicitor notice of any such suit, claim or action within five (5) days of the municipality's receiving notice thereof.

**§ 155-19. Adoption of Solid Waste Management Plan.**

- A. The Department of Environmental Protection has recommended that the requirements of the Solid Waste Management Act can best be accomplished on a county-wide basis.
- B. The municipality, by formal resolution dated July 14, 1987 (Resolution 26), authorized the county to prepare the Solid Waste Management Plan on the municipality's behalf.
- C. The county, through the staff of its Public Works Department, its Planning Commission, and Charles M. Harris and Associates, Inc., Consulting Engineers, prepared a ten-year plan for solid waste management.
- D. The appropriate municipal officials of this municipality have reviewed the findings and recommendations of the plan as it affects this municipality, have found the plan acceptable, and have recommended that the plan be adopted.
- E. The municipality, accordingly, hereby accepts and adopts the solid waste

management study prepared by the county as the ten-year plan for solid waste management required by the Act.

- F. The county is hereby authorized to submit the plan to the Department of Environmental Protection for the final approval on behalf of the municipality.

### ARTICLE III

#### Recycling

[Adopted 5-12-1992 as Ord. No. 5-1992]

#### § 155-20. Title.

This Article shall be known as the "Upland Borough Recyclable Waste Separation and Collection Ordinance."

#### § 155-21. Definitions.

As used in this Article, the following words or terms are defined as set forth hereinafter:

ACT — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988.<sup>3</sup>

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

BIMETALLIC CANS — All empty beverage and food containers made of a metal other than aluminum.

BOROUGH — The Borough of Upland.

BOROUGH COUNCIL — The Council of the Borough of Upland.

COLLECTION LOCATION — That location on any residential dwelling property from which the borough has authorized the collection of municipal waste pursuant to the provisions of this Article.

GLASS CONTAINERS — All empty bottles and jars made of clear, green or brown glass, but does not mean or include noncontainer glass, plate glass, blue glass, porcelain products and ceramic products.

PERSON — Any individual, firm, corporation, association, partnership and/or other legal entity.

PLASTICS — Only those plastics and/or plastic materials classified as HDPE and PET.

RECYCLABLE WASTE — Solid waste consisting of newspapers, as defined in this Article, aluminum cans and such other waste materials as may be designated in the future by a duly enacted resolution of the Borough Council.

#### § 155-22. Purpose.

Pursuant to the provisions of the Act, the purpose of this Article is to facilitate the

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3. Editor's Note: See 53 P.S. § 4000.101 et seq.

disposal of solid waste generated within the borough in the most economical and environmentally accepted manner, to reduce the total amount of solid waste disposed of by the borough and by other collectors as provided herein and to protect and to promote the health, welfare and safety of the borough and its residents.

**§ 155-23. Program established.**

As mandated by the Act, the borough hereby establishes a program for the mandatory separation of recyclable waste and of recyclable paper products from solid waste by the owner, landlord, tenant, occupant and/or his, her or their agent of all residential dwellings, all multifamily dwellings and all commercial, industrial and institutional establishments in the borough and for the collection of such recyclable waste and of recyclable paper products by the borough or by other collectors, as the case may be.

**§ 155-24. Responsibilities of owners and occupants.**

A. Residential dwellings.

- (1) All owners, landlords, tenants, occupants and/or his, her or their agent shall be obligated to and shall be responsible for the separation of recyclable waste from all residential solid waste and for the placement of the same for collection as follows:
  - (a) All recyclable waste shall be completely cleaned and rinsed of all contents thereof and shall be placed in separate containers supplied by the borough for collection of recyclable waste. Also, all caps shall be removed from glass containers before their placement into such collection containers.
  - (b) No solid waste other than recyclable waste shall be placed in such containers supplied by the borough for the collection of recyclable waste.
  - (c) Such recyclable waste containers shall be placed at the collection location as directed by the borough so that such recyclable waste can be collected.
  - (d) At all times, such recyclable waste containers shall be kept in a clean and sanitary condition and shall not be kept in violation of any health laws or codes of the borough.
- (2) The borough is hereby empowered to designate the day of the week on which recyclable waste products shall be collected and removed from a particular area. The same shall not be collected or removed from any area except on the day of the week so designated by the borough. Ownership of all recyclable waste and/or paper products placed at a collection location shall vest in the borough.

B. Multifamily dwellings. All owners, landlords, tenants, occupants and/or his, her or their agent of multifamily dwellings shall establish a separation program and a

collection procedure for recyclable waste products which shall be submitted to and approved by the borough. Such separation program and collection procedure shall at least meet the requirements set forth in Subsection A hereinbefore. The collection procedure must provide for suitable and sanitary containers for sorting and collecting the recyclable waste, which containers must be located in accessible locations. Once said separation program and collection procedure has been approved by the borough, written instructions thereof shall be given to each and every occupant who is obligated to comply therewith. Annually, as directed by the borough, the borough shall be provided with written documentation of the separation program and collection procedure then in existence and of the total number of tons of recyclable waste products which have been collected and recycled for the prior twelve-month period or any portion thereof.

- C. Commercial, industrial and institutional establishments. All owners, landlords, tenants, occupants and/or his, her or their agent of commercial, industrial and institutional establishments shall establish a separation program and a collection procedure for recyclable waste products which shall be submitted to and approved by the borough. Such separation program and collection procedure shall at least meet the requirements set forth in Subsection A hereinbefore. The collection procedure must provide for suitable and sanitary containers for sorting and collecting the recyclable waste, which containers must be located in accessible locations. Once said separation program and collection procedure has been approved by the borough, written instructions thereof shall be given to each and every occupant who is obligated to comply therewith. Annually, as directed by the borough, the borough shall be provided with written documentation of the separation program and collection procedure then in existence and of the total number of tons of recyclable waste products which have been collected and recycled for the prior twelve-month period or any portion thereof.

**§ 155-25. Authorized collection.**

- A. It shall be unlawful for any person other than the borough or its designee to collect recyclable waste products from any residential dwelling without first applying for and obtaining a permit therefor from the borough as provided hereinafter.
- B. It shall be unlawful for any person to collect recyclable waste products from any multifamily dwelling and/or any commercial, industrial and institutional establishment without first applying for and obtaining a permit therefor from the borough as provided hereinafter.
- C. Any person desiring to collect recyclable waste products as provided in Subsections A and B above shall file with the borough a written application for a permit allowing such collection, which application shall include the following.
  - (1) All relevant information concerning the applicant, including but not limited to the applicant's name, business address, business telephone number, business experience, business references, number of employees and number of collection vehicles.

- (2) A detailed description of the residential dwelling(s), the multifamily dwelling(s) and/or the commercial, industrial and institutional establishment(s) from which the recyclable waste products are to be collected, including the name, address and telephone number of the owner, landlord, tenant, occupant and/or his, her or their agent, as the case may be, the location from which the same is to be collected, the amount to be collected, and days and times such collection is to take place and the of recyclable waste containers to be used.
- (3) The name, address and telephone number of the person(s) to which the recyclable waste products are to be delivered and/or sold.
- (4) A copy of the contract under which the applicant is seeking to collect the recyclable waste products.
- (5) Payment of a permit fee as set forth by resolution of the Borough Council per contract or property if more than one (1) property is included in the contract, which fee is hereby imposed for the issuance of any permit hereunder. Any initially issued permit shall expire at the end of the calendar year in which it is issued without the abatement in the permit fee. Prior to December 31 of the initial calendar year and every calendar year thereafter, if such initial permit has been continuously renewed, any initially issued permit can be renewed for the following calendar year by filing with the borough a written application for renewal setting forth the same information requested in the initial application and by the payment of an annual renewal permit fee as set forth by resolution of the Borough Council per contract or per property if more than one (1) property is included in one (1) contract. <sup>4</sup>

**§ 155-26. Commingling prohibited.**

Except when permitted and/or authorized by the borough, it shall be unlawful for any person to commingle and/or to mix recyclable waste products and/or any other solid waste when separating the same, when placing the same for collection, when collecting the same and/or when transporting the same after collection to the place where the same is to be delivered or sold.

**§ 155-27. Containers. <sup>5</sup>**

- A. The borough shall provide to the occupant of each residential dwelling, free of charge, one (1) recyclable waste container. Upon receiving a container, each occupant thereof shall immediately place his, her or their name(s) and address upon the same in the designated locations. If the container is lost or damaged to the extent that it can not be used for its designated purpose, such occupant to whom it has been issued shall immediately apply, in writing, to the borough for a replacement container and shall pay a fee as set forth by the Borough Council from

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4. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

5. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

time to time for each replacement container requested in such sum as established by the borough. No certificate of occupancy will be issued if said container is missing from the premises.

- B. The owner, landlord, tenant, occupant and/or his, her or their agent, as the case may be, of every multifamily dwelling and every commercial, industrial and institutional establishment shall provide, at their own cost and expense, all necessary and required recyclable waste containers, which must be approved as to type and size by the borough upon written application to it.

**§ 155-28. Enforcement.**

The Borough Council or its designee is hereby authorized and empowered to enforce the provisions of this Article and to establish and promulgate reasonable rules and regulations relative to the separation, collection, management and disposal of recyclable waste and recyclable paper products. The Borough Council is also authorized and empowered to enter into an agreement or agreements with any public or private agency or firm for the collection of all or any part of the recyclable waste products as provided herein.

**§ 155-29. Violations and penalties.**

- A. Any person who shall violate any of the provisions of § 155-25 of this Article shall, upon conviction before any District Justice legally empowered to hear such matters, be punished by a fine of not less than two hundred dollars (\$200.) nor more than one thousand dollars (\$1,000.) or by imprisonment for a term not exceeding thirty (30) days, or both. Each day's failure to comply with any provision of § 155-25 of this Article shall constitute a separate offense or violation thereof.
- B. Violation of other provisions.
  - (1) Any person who shall violate any of the other provisions of this Article shall, upon conviction before any District Justice legally empowered to hear such matters, be punished as follows:
    - (a) For the first conviction, by a fine of not less than ten dollars (\$10.) nor more than twenty-five dollars (\$25.) or by imprisonment for a term not exceeding five (5) days, or both.
    - (b) For the second conviction within one (1) year, by a fine of not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.) or by imprisonment for a term not exceeding ten (10) days, or both.
    - (c) For the third conviction within one (1) year, by a fine of not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.) or by imprisonment for a term not exceeding fifteen (15) days, or both.
    - (d) For a fourth and each subsequent conviction within one (1) year, by a fine of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) or by imprisonment for a term not exceeding

thirty (30) days, or both.

- (2) Each day's failure to comply with any applicable provision of this Article shall constitute a separate offense or violation thereof.

**§ 155-30. More restrictive provisions to prevail.**

If any section, provision, part or clause of this Article is in conflict with and contrary to any other section, provision, part or clause of this Article, the more restrictive section, provision, part or clause shall be applicable, shall take precedence and shall be enforced.