

Chapter 147
SOLID WASTE

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Recycling

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[HISTORY: Adopted by the Council of the Borough of Berwick as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Health regulations — See Ch. 108.
Junk and junkyards — See Ch. 114.

Littering — See Ch. 119.

ARTICLE I
Recycling
[Adopted 6-11-1996 by Ord. No. 96-1]

§ 147-1. Title.

This article shall be known as the "Municipal Recycling and Waste Reduction Ordinance of the Borough of Berwick."

§ 147-2. Definitions.

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

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

APPLICANT — A person desirous of being licensed as a hauler.

BIMETAL CONTAINERS — Empty food or beverage containers consisting of steel and aluminum.

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than four dwelling units.

COMMUNITY ACTIVITIES — Church, school, civic, service group, municipal functions, and all other such functions.

CORRUGATED PAPER — Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DISPOSAL — The incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the municipal waste, or a constituent of municipal waste, enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

FERROUS CONTAINERS — Empty steel or tin-coated steel food or beverage containers.

GLASS CONTAINERS — All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as "glass," excluding blue and flat glass, and glass commonly known as "window glass," "automotive glass" and porcelain and ceramic products.

HAULER — Any person, firm, partnership, association or corporation who has been licensed to collect and transport municipal waste for a fee.

HIGH-GRADE OFFICE PAPER — All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT — Any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

LEAD ACID BATTERIES — Includes, but shall not be limited to, automotive, truck and industrial batteries that contain lead.

LEAF WASTE — Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

MAGAZINES AND PERIODICALS — Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

MULTIFAMILY HOUSING PROPERTIES — Any properties having four or more dwelling units per structure.

MUNICIPAL ESTABLISHMENTS — Public facilities operated by the Borough of Berwick and other governmental and quasi-governmental authorities.

MUNICIPALITY — The Borough of Berwick, Columbia County, Pennsylvania.

MUNICIPAL WASTE — Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, except farm produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes and any sludge not meeting the definition of residual or hazardous waste as defined in Pennsylvania Act 97.¹

NEWSPAPER — The term used herein and deemed to include paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals, as well as other paper products of any nature, are not considered newspaper.

PERSON — Any individual, owners, lessees and occupants of a residence, commercial or institutional establishment, 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 the law as the subject of rights and duties.

PLASTIC CONTAINERS — Empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

PROCESSING — Any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resources recovery facilities.

¹ Editor's Note: See 35 P.S. § 6018.101 et seq.

RECYCLABLE MATERIALS — Those materials separated at the point of origin for the purpose of being recycled, including those materials listed in Act 101² and by the municipality to be recycled.

REFUSE — Garbage, rubbish and trade waste.

RESIDENTIAL DWELLING — Any occupied single or multifamily dwelling; having up to three dwelling units per structure.

STORAGE — The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.

TRANSPORTATION — The off-site removal of any municipal waste at any time after generation.

§ 147-3. Establishment of program.

There is hereby established a program for the mandatory separation of recyclable materials from municipal waste by all persons.

§ 147-4. Separation and disposal of recyclables by single-family or multifamily dwellings having three or fewer dwelling units per structure.

Recyclable materials from residential dwellings shall be placed at the curb or other designated place, separate from solid waste, for the collection or taken to dropoff sites at such times, dates and places as may be herein established by regulation. Materials to be recycled selected by the municipality, in the recycling program regulation, are the following: clear glass, colored glass, steel and bimetallic cans, office paper, newsprint, corrugated paper, plastic.

§ 147-5. Separation of recyclables by commercial, municipal and institutional establishments and at community activities.

Commercial, municipal and institutional establishments shall separate and store, until collection, high-grade office paper, corrugated paper, aluminum and other materials designated by the municipal regulations. These establishments must arrange for the transfer of the materials to a recycling system.

§ 147-6. Separation of recyclables by multifamily housing properties and placement for disposal.

The owner, landlord or an agent of an owner or landlord of multifamily housing properties of four or more units shall establish a collection system for recyclables at each property. Materials to be separated are selected by the municipality in the recycling program regulations from the following: clear glass, colored glass, aluminum cans, steel and bimetallic cans, paper, newsprint, corrugated paper or plastic. The collection system must contain suitable containers

² Editor's Note: 53 P.S. § 4000.101 et seq..

for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.

§ 147-7. Lead acid batteries.

No person may place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery, except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency or to a collection or recycling facility authorized under the laws of the commonwealth.

§ 147-8. Separation and disposal of leaf waste.

All persons who reside in residential dwellings and all persons who are responsible for administration of multifamily housing properties, commercial, municipal and institutional establishments who gather leaves shall source separate all leaf waste from other waste and place it for collection at the times and in the manner theretofore or hereafter prescribed by the municipality. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscape purposes.

§ 147-9. Collection by unauthorized person(s).

It shall be a violation of this article for any person(s), unauthorized by the municipality, to collect or pick up or cause to be collected or picked up, any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 147-10. Alternative collection of recyclable materials.

All persons, individuals, entities or firms in the Borough of Berwick shall be required to comply with this article. No person or other individual entity or firm shall be entitled to or shall be allowed to recycle materials by transferring, donating or selling recyclable materials to other individuals or organizations.

§ 147-11. Delivery of recyclable materials to landfills or incinerators.

It shall be a violation of this article for the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal unless the markets for such materials no longer exist. The authorized collector will provide to the municipality the weight receipts of the recyclable materials.

§ 147-12. Franchise or license.

The municipality may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable material from curbside or from dropoff collection points.

§ 147-13. Recycling as a condition of hauler license.

- A. Each hauler shall, as a condition of license, provide recycling service to every residential, multifamily, commercial, institutional and municipal establishment, in accordance with the regulations for the recycling program.
- B. Weight receipts shall be provided by any hauler providing any services to any person under the terms and conditions of this article to the person engaged by the Borough of Berwick who is charged with monitoring and/or enforcing this article for the Borough of Berwick. The weight receipts shall be provided on a monthly basis each and every month of the year within 10 days of pickup of recyclables under the terms and conditions of this article. Any individual, entity or firm providing garbage hauling services which fails to provide weight receipts or which otherwise violates any of the terms and conditions of this article shall be subject to the penalties set forth in § 147-14 of this article.

§ 147-14. Violation and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution or, in the default of payment of such fine and costs, to undergo imprisonment of not more than 30 days. Each violation of any provision of this article and each day the same is continued shall be deemed a separate offense.

ARTICLE II
Collection of Garbage
[Adopted 6-14-1999 by Ord. No. 99-2]

§ 147-15. Definitions.

Definitions as used herein shall have the meanings as set forth below:

EXTERIOR PROPERTY — The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Borough of Berwick or otherwise having control of the property, including the guardian of an estate of such person and the executor or administrator of the estate of such person.

PERSON — An individual, corporation, partnership or other group acting as a unit.

PREMISES — A lot, plot or parcel of land, including any structures thereon.

RUBBISH — Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches and yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

TENANT — A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

YARD — An open space on the same lot with a structure.

§ 147-16. Accumulation of rubbish or garbage prohibited.

All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish or garbage.

§ 147-17. Method of disposal.

The occupants of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers.

§ 147-18. Containers required.

The owner of every dwelling shall supply approved leakproof, covered, outside garbage containers of sufficient number so that all garbage and refuse of all of the occupants of the premises can dispose of their garbage and refuse in a garbage container and so that no garbage and/or refuse is stored by any occupant of the premises outside of a garbage container at any time.

§ 147-19. Storage of garbage and refuse.

The owner of any premises shall provide at all times approved leakproof containers with close-fitting covers for the storage of garbage and refuse until such time as the garbage and/or refuse is removed from the premises for disposal.

§ 147-20. Removal by licensed haulers.

Every owner in the Borough of Berwick shall contract with an individual, entity or firm which is a licensed hauler by the Borough of Berwick to have all the garbage and rubbish generated on the premises by any of the occupants of the premises removed and deposited in a licensed landfill on a weekly basis or more often.

§ 147-21. Proof of contract required.

Whenever requested by the Code Officer of the Borough of Berwick, the owner of any real estate within the Borough of Berwick shall present proof adequate in the judgment of the Code Officer or his designee that the owner of said real estate has a current contract with a licensed garbage hauler to dispose of garbage and rubbish generated on the premises on a weekly basis or more often. The owner of the premises shall have 72 hours to provide proof to the Code Officer or his designee that he has a current contract with a garbage or refuse hauler licensed by the Borough of Berwick to provide sufficient service to satisfy the terms and conditions of this article.

§ 147-22. Duties of haulers.

Any hauler picking up garbage or refuse in the Borough of Berwick shall be required to advise the Code Officer of the Borough of Berwick in writing within 72 hours after request from the Code Officer as to whether an owner has a current contract for garbage and refuse disposal from his premises within the Borough of Berwick. Furthermore, all licensed haulers shall cooperate with the Borough of Berwick Code Enforcement Officer in providing information in the event that an action is instituted to enforce the terms and conditions of this article.

§ 147-23. Violations and penalties.

Any person who shall violate the terms or conditions of this article shall, upon conviction thereof, be subject to a fine of not more than \$300 and/or imprisonment for a term not to exceed 90 days, or both. Each day that a violation continues after notice of the violation has been served shall be deemed to be a separate offense.

§ 147-24. Compost piles; recycling.

- A. Notwithstanding the terms of this article, compost piles kept by occupants or tenants of a structure shall not violate the terms and conditions of this article, provided that the materials in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the materials from the compost piles around the premises.
- B. Further, nothing in this article shall supersede the provisions of any ordinance of the Borough of Berwick requiring recycling of certain materials as set forth in the Recycling Ordinance.³ It is the intent of the Council of the Borough of Berwick that the Recycling Ordinance of the Borough of Berwick shall remain in full force and effect.

³ Editor's Note: See Ch. 147, Solid Waste, Art. I, Recycling.