

## **CHAPTER 20**

### **SOLID WASTE**

#### **PART 1**

##### **RECYCLING PROGRAM AND MUNICIPAL WASTE COLLECTION**

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## PART 1

### RECYCLING PROGRAM AND MUNICIPAL WASTE COLLECTION

#### §101. Definitions.

Any capitalized term, if not defined in this Part, shall have the meaning as from time to time set forth in the LCSWMA Rules and Regulations which are incorporated into this Part by reference. In addition, as used in this Part, the following terms shall have the following meanings:

ACT 97 — the Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended.

ACT 101 — the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.

ALUMINUM — all food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates and miscellaneous aluminum products.

BATTERY BAGS — bags which LCSWMA makes available to generators of Municipal Waste and which shall be used as disposal containers for batteries which are generated in households.

CLEAR GLASS — clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COLORLED GLASS — green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COMMENCEMENT DATE — the date upon which the current and subsequent municipal contract collection services begin.

COMMINGLED — designated recyclable materials (i) which have been segregated from regulated municipal waste, but which have not been separated into different types of recyclable materials and (ii) which have been placed in a recycling container for the purpose of collection.

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COMMUNITY ACTIVITIES — events that are sponsored by public or private agencies or individuals including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

COMPOSTING — the process by which solid organic waste is biologically decomposed under controlled aerobic or anaerobic conditions to yield a humus-like product.

CONSTRUCTION/DEMOLITION WASTE — a portion of municipal waste resulting from the construction or demolition of buildings and other structures including wood, plaster, drywall and wall board, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes street sweepings and non-friable asbestos waste. The term does not include the following if they are separated from other waste and used as clean fill:

- (1) Uncontaminated soil, rock, stone, gravel, brick, block, concrete and used asphalt.
- (2) Waste from land clearing, grubbing and excavation including trees, brush, stumps and vegetative material.

CONTRACTOR — the person providing municipal contract waste and designated recyclable materials collection services under the municipal contract.

CORRUGATED CARDBOARD — unbleached, unwaxed kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and related products.

CURBSIDE — the correct location for the placement of refuse containers and recycling containers for the purpose of collection by the contractor, which shall be (i) adjacent to the residential unit and (ii) no more than five feet from the public street used by collection vehicles.

DESIGNATED RECYCLABLE MATERIALS — those source separated recyclable materials designated in §106 of this Part.

EXISTING CONTRACT — any municipal contract for the storage, collection, transportation, processing or disposal of regulated municipal waste or designated recyclable materials generated or located within the Borough which (i) was legally entered into prior to the effective date of this Part and (ii) when entered into was legally enforceable.

EXTRA REFUSE CONTAINERS — refuse containers which are in excess of the number of refuse containers per collection site limit in the municipal contract.

EXTRA SERVICE TAG — a label affixed to containers and items which may be required for the collection by the contractor of extra refuse containers, tires, oversized items and white goods according to the Borough's rules and regulations.

**FACILITY** — any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which solid waste or source separated recyclable materials, or any portion of solid waste or source separated recyclable materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of solid waste or source separated recyclable materials.

**FARM** — a tract of land containing 10 or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

**GENERATOR** — a person who produces or creates any solid waste.

**HAZARDOUS WASTE** — garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (i) coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§30.51-30.62); (ii) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1691.1001); (iii) solid or dissolved material in domestic sewage; (iv) solid dissolved materials in irrigation return flows; (v) industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act (33 U.S.C.A. §1342); or (vi) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2394).

**HIGH-GRADE OFFICE PAPER** — desktop generated paper limited to white ledger, copy paper and computer printout (CPO).

**HOUSEHOLD HAZARDOUS WASTE** — a portion of municipal waste that would be considered hazardous under Act 97 but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under Act 97 and is generated by persons not otherwise covered as Hazardous Waste Generators by Act 97. Household hazardous waste includes the following materials and other materials of a similar nature:

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- (1) Antifreeze.
- (2) Batteries.
- (3) Chlorinated hydrocarbons.
- (4) Fluorescent light bulbs and other mercury-containing devices.
- (5) Gasoline and kerosene.
- (6) Grease and rust solvents.
- (7) Oven, toilet and drain cleaners.
- (8) Paints, rust preventatives, stains and wood preservatives.
- (9) Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers.
- (10) Photographic and pool chemicals.
- (11) Thinners, solvents and furniture strippers.
- (12) Transmission and brake fluids.
- (13) Used oil or other hydrocarbon based lubricants.
- (14) Wood, metal, rug and upholstery cleaners and polishes.

LCSWMA — the Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the Municipality Authorities Act, as amended.

LCSWMA FACILITY — any facility owned or operated by or on behalf of LCSWMA.

MANIFEST — a form supplied by LCSWMA to be completed and signed by each person who collects or transports solid waste or source separated recyclable materials and which specifies, inter alia, (i) the source, type, quantity and delivery point for the solid waste or source separated recyclable materials; (ii) the applicable license number and (iii) other pertinent information.

MULTIFAMILY UNIT — a property with five or more residential units including, without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms. Condominiums on the same lot, but in separate ownership shall be treated as one multifamily unit and cannot be separated for billing purposes.

**MUNICIPAL CONTRACT** — the agreement between the Borough and a permitted collector under which collection services are to be provided to residential units for municipal contract waste and for designated recyclable materials.

**MUNICIPAL CONTRACT WASTE** — those portions of regulated municipal waste which are to be collected and disposed of under this municipal contract. Municipal contract waste consists exclusively of refuse and oversized refuse items.

**MUNICIPALITY** — Borough of Elizabethtown.

**MUNICIPALITY'S POLICIES AND PROCEDURES** — the rules and regulations adopted and revised from time to time by the Borough which govern and pertain to (i) the Borough's recycling program and (ii) the onsite collection or storage of regulated municipal waste within the Borough.

**NEWSPRINT** — paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

**NONPROCESSABLE WASTE** — a portion of municipal waste consisting of materials which cannot be handled by LCSWMA's normal processing or disposal methods. Nonprocessable waste includes items greater than six feet in any dimension such as, without limitation, mattresses (double size or larger), sleeper sofas and recreational vehicles. Nonprocessable waste (oversized) may consist of large auto parts, machines and any other items deemed appropriate by LCSWMA.

**NONRESIDENTIAL UNITS** — all commercial, municipal and institutional establishments, all community activities and all farms, excluding residential units and multifamily units.

**OPEN BURNING** — a fire outside of any building in which any material is burned in the open or in a receptacle other than a grill used for the purpose of outside barbecues, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

**OTHER BURNING** — the disposal of any waste, including leafy and woody waste in any burn container whether outside or inside.

**OVERSIZED REFUSE ITEMS** — refuse which will not fit into refuse containers, but which is no nonprocessable waste, including furniture (no sleeper sofas), carpet (up to 48 inches in length, rolled and tied), televisions, scrap metal (pieces up to 48 inches in length) and the like, but excluding tires and white goods. (Oversized refuse items are items that can be easily lifted by two people).

**PERMITTED COLLECTOR** — a person who is in possession of all pertinent permits and licenses which may be required by (i) the Borough and (ii) LCSWMA, for the collection, storage or disposal of solid waste or recyclable materials.

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PERSON — any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTICS — recyclable plastics are identified on the bottom of the container and consist of two types of containers, namely: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water and detergent bottles).

PROPERTY OWNER — the person or legal entity named in Lancaster County real estate tax assessment records as the person or legal entity to whom or to which tax bills are mailed.

PUTRESCIBLE WASTE — a portion of municipal waste consisting of organic waste materials which due to biological decomposition are, or have a tendency to be, rotten, foul or odorous, including dead animals and spoiled foods, but not including sludge.

RECYCLABLE MATERIALS — any material which would be regulated municipal waste but for source separation and which will be processed into raw materials or products which are beneficially reused.

RECYCLING — the separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as solid waste or the mechanized separation and treatment of solid waste and creation and recovery of reusable materials.

RECYCLING CONTAINER — for residential units, the container supplied by the Borough. For multifamily units and nonresidential units, a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting.

REFUSE — that portion of regulated municipal waste except:

- (1) Construction/demolition waste.
- (2) Nonprocessable waste.
- (3) Putrescible waste.
- (4) Household hazardous waste.

REFUSE CONTAINER — a receptacle which is (i) constructed of plastic, metal or fiberglass having handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors or (ii) a polyethylene bag which (a) is specifically designed for storage and collection, (b) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (c) has a holding strength capable of withstanding



normal stresses until it is collected. With respect to residential units, the weight of a refuse container and its contents shall not exceed 40 pounds nor shall its capacity exceed 32 gallons.

**REGULATED MUNICIPAL WASTE** — any solid waste generated or collected within the Borough which is 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, and any sludge meeting the definition of residual waste or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include designated recyclable materials or unacceptable waste.

**RESIDENTIAL UNIT** — any single family detached, semidetached or townhouse dwelling, or a dwelling unit within a multifamily building containing four or fewer dwelling units, excluding farms. When used in this Part or the Municipality's Policies and Procedures, the term "residential unit" shall also refer to any multifamily unit or nonresidential unit that requests and receives approval from the Borough to use the collection services provided under the municipal contract.

**RESIDUAL WASTE** — any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (i) coal refuse as defined in the Coal Refuse Disposal Control Act or (ii) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.

**SCAVENGING** — the removal of designated recyclable materials in violation of §111 of this Part.

**SINGLE STREAM** — a system where recyclable materials, commonly fibers and glass, metal and plastic containers, are collected and processed together.

**SOLID WASTE OR WASTE** — any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**SOURCE SEPARATE OR SOURCE SEPARATION** — the process of separating, or the separation of, designated recyclable materials from other solid waste at the location where generated for the purpose of recycling.

**STEEL CANS** — the ferrous metal food or beverage containers commonly known as tin cans.



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**TIRES** — any pneumatic rubber automobile, truck or farm implement tire.

**UNACCEPTABLE WASTE** — the following types of solid waste are unacceptable waste unless approved by LCSWMA on a case-by-case basis:

- (1) Chemotherapeutic waste.
- (2) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue.
- (3) Explosives and ordnance materials.
- (4) Gas cylinders, unless empty and delivered separate from other solid waste.
- (5) Hazardous waste.
- (6) Infectious/pathological waste.
- (7) Radioactive materials.

**WHITE GOODS** — a portion of regulated municipal waste consisting of large appliances including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

**WOODY WASTE** — branches, tree limbs or other waste wood, but excluding firewood burned for aesthetic or heating purposes inside any structure.

**YARD WASTE** — all garden residues, leaves, shrubbery, tree trimmings, grass clippings and sod.

(Ord. 843, 12/18/2003, §1)

### **§102. Mandatory Recycling.**

All persons within the Borough shall source separate designated recyclable materials generated by such person or generated within a residential unit, multifamily unit or nonresidential unit occupied by such person.

(Ord. 843, 12/18/2003, §2)

### **§103. Onsite Collection and Disposal.**

Each person who owns or occupies a residential unit, multifamily unit or nonresidential unit with the Borough shall ensure that regulated municipal waste and designated recyclable material generated at such residential unit, multifamily unit or nonresidential

unit are collected and disposed of in accordance with this Part, the Municipality's Policies and Procedures and LCSWMA Rules and Regulations.

(Ord. 843, 12/18/2003, §3)

#### **§104. Residential Units.**

Collection services for municipal contract waste and for designated recyclable materials shall be provided to residential units by the contractor. Each person who owns or occupies a residential unit shall prepare designated recyclable materials and municipal contract waste for collection in accordance with the Municipality's Policies and Procedures. With respect to regulated municipal waste which is not municipal contract waste, persons who own or occupy residential units shall elect to provide proper onsite collection and disposal by either (i) themselves delivering such materials to a facility or (ii) utilizing a permitted collector to collect and deliver such materials to a facility. Each person who owns or occupies a residential unit shall dispose of municipal contract waste and designated recyclable materials on a weekly basis.

(Ord. 843, 12/18/2003, §4)

#### **§105. Multifamily Units and Nonresidential Units.**

1. Each person who owns or occupies a nonresidential unit or multifamily unit shall provide proper collection and disposal for regulated municipal waste and designated recyclable materials by using a permitted collector to collect and deliver such materials to a facility. With respect to municipal contract waste and designated recyclable materials, a person who owns a multifamily unit or nonresidential unit may request Borough approval to receive the services under the municipal contract, provided that all units in the building shall be included and shall participate.
2. Each person who owns or occupies a multifamily unit or nonresidential unit approved to receive services under the municipal contract shall comply with the Municipality's Policies and Procedures established for residential units and notwithstanding the provisions of §106(2) and (3) of this Part, shall source separate the recyclable materials designated in §106(1).
3. Each person who owns a multifamily unit or nonresidential unit that does not receive services under the municipal contract shall:
  - A. Provide recycling containers at easily accessible locations for source separation of designated recyclable materials.
  - B. Provide written instructions to all persons occupying each multifamily unit and nonresidential unit to ensure that all designated recyclable materials are source separated.

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- C. Provide collection and delivery of source separated designated recyclable materials at a frequency of not less than once per month.

(Ord. 843, 12/18/2003, §5)

### **§106. Designated Recyclable Materials.**

1. Each person who owns or occupies a residential unit shall source separate the following recyclable materials: (i) clear glass, (ii) colored glass, (iii) aluminum, (iv) steel cans, (v) plastic, (vi) newsprint, (vii) tires, (viii) white goods, and (ix) yard waste.
2. Each person who owns or occupies a multifamily unit shall source separate the following recyclable materials: (i) clear glass, (ii) colored glass, (iii) aluminum, (iv) steel cans, (v) plastic, (vi) tires, (vii) white goods and (viii) yard waste.
3. Each person who owns or occupies a nonresidential unit shall source separate the following recyclable materials: (i) clear glass, (ii) colored glass, (iii) aluminum, (iv) steel cans, (v) plastic, (vi) high grade office paper, (vii) corrugated cardboard, (viii) tires, (ix) white goods and (x) yard waste.

(Ord. 843, 12/18/2003, §6; as amended by Ord. 888, 9/20/2007, Art. 1)

### **§107. Approved Haulers.**

1. With respect to (i) municipal contract waste and (ii) designated recyclable materials, no person other than the contractor shall collect, transport, store, process or dispose of such contract waste. With respect to (i) regulated municipal waste other than municipal contract waste which is generated at residential units and (ii) regulated municipal waste or designated recyclable materials generated at multifamily units or nonresidential units, no person other than a permitted collector shall collect, store, process or dispose of such waste. Each permitted collector that collects or transports regulated municipal waste or designated recyclable materials generated in any residential unit, nonresidential unit or multifamily unit shall complete monthly LCSWMA manifests reporting the amount of regulated municipal waste and designated recyclable material collected in the Borough.
2. No person who generates, owns or possesses designated recyclable materials or regulated municipal waste shall, by contract for collection services or otherwise, cause, permit or assist in the collection, storage, processing or disposal of such waste by any person other than (i) the contractor with respect to municipal contract waste or designated recyclable materials generated at residential units, and (ii) a permitted collector with respect to (a) regulated municipal waste other than municipal contract waste generated at residential units and (b) regulated municipi-

pal waste or designated recyclable materials generated at multifamily units or nonresidential units.

3. No permitted collector who collects or disposes of designated recyclable materials or regulated municipal waste shall, by municipal contract for such services or otherwise, cause, permit or assist in the storage, collection, processing or disposal of designated recyclable materials in a manner which treats such materials as regulated municipal waste, or which is otherwise inconsistent with source separation or recycling. Any delivery of designated recyclable material to a LCSWMA facility in accordance with the LCSWMA Rules and Regulations shall be deemed to satisfy the requirements of this §107.
4. Notwithstanding the provisions of §107(1) and (2) above, any person who occupies a residential unit may deliver to a facility the regulated municipal waste and designated recyclable materials which are generated at such person's residence. If a person who occupies a residential unit transports the regulated municipal waste and designated recyclable materials to a facility, this person shall report and provide official documentation on a monthly basis of the regulated municipal waste and designated recyclable materials that were transported. Failure to comply with these provisions shall result in the person being billed in arrears by the Borough and will be subject to the appropriate fines and costs of collection.
5. All regulated municipal waste and designated recyclable materials generated or collected in the Borough shall be delivered directly to a facility in accordance with the LCSWMA Rules and Regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging or reuse of any portion of any load of such regulated municipal waste and designated recyclable materials from the time of its collection until the time of its delivery to the facility.
6. Each permitted collector shall collect and deliver, separately to a LCSWMA facility battery drop-off location, all battery bags placed at curbside by residential units.

(Ord. 843, 12/18/2003, §7)

#### **§108. Illegal Dumping and Open Burning.**

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable materials except at a facility. Notwithstanding the foregoing or §106, yard waste may be composted to the extent and in the manner provided in the Municipality's Policies and Procedures on the property on which such yard waste was generated.
2. No person shall process or dispose of any waste or designated recyclable materials through open burning or other burning.

(Ord. 843, 12/18/2003, §8)

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### **§109. Leaves and Woody Waste.**

Leaves and woody waste shall be collected for recycling a designated number of times per year in accordance with the municipal contract.

(Ord. 843, 12/18/2003, §9; as amended by Ord. 888, 9/20/2007, Art. 1)

### **§110. Collection Service Fees.**

Fees for services provided by the Borough shall be charged to the owner of each property within the Borough. The amount of fees and the schedule for payment of fees shall be as adopted by resolution from time to time by Borough Council. The Municipality's Policies and Procedures may provide for the amount of annual fees or interest and due interest and penalties for late payments and provisions for municipal liens and attorney's fees for unpaid collection service fees.

(Ord. 843, 12/18/2003, §10; as amended by Ord. 945, 2/21/2013)

### **§111. Scavenging.**

From the time of placement for collection of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator or the permitted collector who has contracted to provide onsite collection, as provided in the municipal contract. It shall be a violation of this Part for any person, other than such permitted collector, to collect or pick up, or cause to be collected or picked up, any such designated recyclable materials.

(Ord. 843, 12/18/2003, §11)

### **§112. Existing Contracts.**

1. Nothing in this Part shall be construed to impair the obligations of any existing contract.
2. No renewal or modification of any existing contract, and no new contract for the storage, onsite collection, processing or disposal of regulated municipal waste or designated recyclable materials, shall be entered into after the effective date of this Part unless such renewal or modification unless such renewal or modification or new contract shall conform to the requirements of this Part and the Municipality's Policies and Procedures.
3. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Part shall provide for onsite collection services to be per-

formed after the commencement date for contract waste or designated recyclable materials generated at residential units. This provision shall not apply to the contract between the Borough and the contractor. With respect to any contract which violates this §112(3), such contract shall be deemed void and the hauler that is a party to such contract (i) shall reimburse to the applicable residential units any funds which have been paid for such onsite collection services and (ii) shall not collect or attempt to collect any funds for such onsite collection services.

(Ord. 843, 12/18/2003, §12)

### **§113. Authorization of Borough.**

The Borough shall have the power to issue the Municipality's Policies and Procedures governing all matters set forth in this Part and any other related matters deemed to be<sup>1</sup> necessary or convenient by the Borough. The Municipality's Policies and Procedures shall be effective when issued in writing and signed by the Council President of the Borough. The Borough shall have the power to establish record and reporting requirements and standards and procedures for the issuance, administration and revocation of licenses, as deemed necessary, including without limitation, (i) application procedures, fees, standards and conditions for licenses, (ii) the fixing of a monetary bond, with or without surety, to secure the compliance by any permitted collector with any such requirements, standards or procedures, and (iii) any other matters deemed necessary or convenient by the Borough. In the event of suspension or revocation of any license which is issued by the Borough or LCSWMA, the person whose collection permit is suspended or revoked shall refund to each customer any prepaid fees.

(Ord. 843, 12/18/2003, §13)

### **§114. Unlawful Activity.**

It shall be unlawful for any person to violate, or cause or permit or assist in the violation of, any provision of this Part or any provision of the Municipality's Policies and Procedures. All unlawful conduct shall also constitute a public nuisance.

(Ord. 843, 12/18/2003, §14)

### **§115. Penalty.**

In addition to civil procedures for collection available to the Borough, any person or persons violating any provision of this Part or any provision of the resolution referred to in § 110 as part of the Municipality's Policies and Procedures shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not less than \$200 nor more than \$1,000 plus costs of prosecution. The costs of prosecution shall in-

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<sup>1</sup> Editor's note: Ord. 843 reads: "... matters be necessary or convenient by ..."



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clude, without limitation, any court filing fees and the expenses incurred by the Borough for its employees to collect any such sums as well as attorney fees incurred by the Borough, and in default of the payment of such fine and costs to undergo imprisonment for not more than 30 days. Each violation of any provision of this Part or any provision of the resolution and the Borough's Policies and Procedures, and each day that such a violation shall exist, shall constitute a separate violation and offense.

(Ord. 843, 12/18/2003, §15; as amended by Ord. 945, 2/21/2013)

### **§116. Persons Liable.**

For purposes of the obligations established by this Part or the Municipality's Policies and Procedures, and for purpose of any fine, penalty, imprisonment or other sanction, the terms "person," "residential unit," "multifamily unit" and "nonresidential unit" shall (i) include officers and directors of any corporation or other legal entity having officers and directors and (ii) refer to, and impose joint and several liability upon, both (a) the persons residing in or occupying any such residential, multifamily or nonresidential units and (b) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises.

(Ord. 843, 12/18/2003, §16)

### **§117. Injunctive Relief.**

In addition to any other remedy provided in this Part, the Borough may institute proceedings to restrain any violation of, or to require compliance with, this Part and/or the Municipality's Policies and Procedures.

(Ord. 843, 12/18/2003, §17)

### **§118. Concurrent Remedies.**

The penalties and remedies set forth in this Part are in addition to, not in lieu of, any fines, penalties or remedies provided in the Municipality's Policies and Procedures. The existence or exercise of any remedy shall not prevent the Borough from exercising any other remedy (i) provided under (a) this Part or (b) the Municipality's Policies and Procedures, or (ii) available at law or equity.

(Ord. 843, 12/18/2003, §18)

*20 Attachment 1*

Borough of Elizabethtown

**MONTHLY MUNICIPAL REPORT**

Month of \_\_\_\_\_, 20\_\_\_\_

1. Name of Municipality \_\_\_\_\_

2. Name of Contractor \_\_\_\_\_

3. Recyclable Materials Information

Clear Glass \_\_\_\_\_ lbs.

Colored Glass \_\_\_\_\_ lbs.

Aluminum \_\_\_\_\_ lbs.

Steel Cans \_\_\_\_\_ lbs.

Plastics \_\_\_\_\_ lbs.

Commingled (Bottles, Cans, & Plastics) \_\_\_\_\_ lbs.

Newsprint \_\_\_\_\_ lbs.

Single Stream (Commingled & News.) \_\_\_\_\_ lbs.

Yard Waste \_\_\_\_\_ lbs.

Tires \_\_\_\_\_ lbs.

White Goods \_\_\_\_\_ lbs.

Christmas Trees \_\_\_\_\_ lbs.

Other \_\_\_\_\_ lbs.

\_\_\_\_\_ Total Pounds Recycled

\_\_\_\_\_ Equivalent Tons  
(+ by 2000)

4. Municipal Contract Waste Collection Information \_\_\_\_\_ Tons of Refuse Collected  
(Refuse + Oversized Refuse Items) Attached are all weight receipts to verify the  
amounts collected.

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I, the undersigned, hereby certify that all the information on this Monthly Municipal Report is accurate to the best of my knowledge.

\_\_\_\_\_  
Contractor

By: \_\_\_\_\_  
Type or Print Name  
of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Borough of Elizabethtown

**MUNICIPALITY'S POLICIES AND PROCEDURES**

1. General requirements for placement and collection of regulated municipal waste and designated recyclable materials:
  - a. All persons who own or occupy residential units, multifamily units or non-residential units shall comply with the following requirements:
    - (i) No regulated municipal waste or designated recyclable materials shall be placed at curbside for collection more than 24 hours in advance of the scheduled time for collection. Refuse containers must be removed from the curb no more than 24 hours after collection.
    - (ii) Regulated municipal waste or designated recyclable materials from residential units shall not be stored at curbside prior to collection. Regulated municipal waste or designated recyclable materials shall be stored in containers which shall prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.
    - (iii) Regulated municipal waste and designated recyclable materials from multifamily units and nonresidential units may be placed in bulk containers of suitable size, shape and material so as to prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.
  - b. All permitted collectors shall insure that collection of regulated municipal waste and designated recyclable materials shall comply with the following requirements:
    - (i) Regulated municipal waste and designated recyclable materials shall be collected on the same day from residential units, and collection shall be made a minimum of once a week.
    - (ii) On-site collection from residential units shall occur on weekdays between the hours of 5:00 a.m. and 6:00 p.m., prevailing time. Notwithstanding the foregoing, Saturday collection will be permitted if a holiday has occurred in the week preceding the Saturday on which collection is to be made or if a holiday will occur on the Monday or Tuesday of the week following the Saturday collection. Saturday collections due to holidays may begin at 12:00 midnight. No collection shall be conducted on High Street and Market Street between the hours of 7:00 a.m. and 9:00 a.m., Monday through Friday.

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- (iii) No regulated municipal waste or designated recyclable materials shall be blown, scattered or deposited upon the ground in the process of collection.
- (iv) Each permitted collector shall collect and deliver, separately to a LCSWMA Facility battery drop-off location, all battery bags placed at curbside by residential units.

### 2. Collection service fee schedule for municipal contract collection program:

Collection service fees and schedule shall be as follows:

- a. Annual collection service fee: as set forth in the Fee Schedule.<sup>1</sup>
  - (i) Annual prepay rate: as set forth in the Fee Schedule.
- b. Each unit is permitted one 32-gallon, 40-pound limit, refuse container per week. Each additional refuse container requires an extra-service tag.
- c. Extra-service tags: as set forth in the Fee Schedule.
- d. Oversized items.
  - (i) Each unit is permitted no more than one oversized refuse item to be collected each week. Oversized refuse items are to be placed curbside for collection at the same time as the regular trash and recyclables.
- e. Tires and white goods/appliances.
  - (i) Tires and white goods/appliances will be collected twice each year on dates established by the Municipality. Extra-service tags are required for tires and white goods/appliances.
- f. Leaf collection.
  - (i) Leaves will be collected six times a year on dates established by the Municipality. Two yard waste collections will occur in the Spring and four leaves-only collections in the Fall.
  - (ii) Leaves must be bagged in biodegradable Kraft leaf bags. Other yard waste, such as acorns, grass, pinecones, and sticks, are not permitted in the Kraft bags except for the two yard waste collections in the Spring.

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<sup>1</sup> Editor's Note: The specific fee amounts were moved to the Fee Schedule in the front of the Code so that the Borough could continue to maintain a separate Fee Schedule, with fees amended from time to time by resolution of the Borough Council.

3. Backyard composting. Residential units may compost yard wastes that are generated at said residential unit according to the following guidelines:
  - a. Backyard composting must be done in strict compliance of accepted standards and guidelines the Penn State Cooperative Extension Service, PA Department of Environmental Protection, and/or the Lancaster County Solid Waste Management Authority (LCSWMA).
  - b. Composting must be done within an enclosed structure that controls access to animals and vectors.
  - c. Only yard wastes or other vegetative matter may be composted. No meat or putrescible waste may be composted.
  - d. Compost must be turned and mixed on a regular basis to prevent odors, attraction of vectors and to ensure degradation of materials being composted.
  - e. Backyard composters must be placed no less than one foot from any property line.
4. Recycling containers.
  - a. The Municipality shall retain title to recycling containers supplied by the Municipality.
  - b. Lost, stolen or damaged recycling containers will be replaced by the Municipality for an extra charge at a maximum of one container a year per residential unit.

(As amended by Ord. 2006-8, 10/19/2006; and by Ord. 888, 9/20/2007, Art. 2)