

ELIZABETHTOWN BOROUGH
ORDINANCE NO 987

AN ORDINANCE PROVIDING FOR AMENDMENT OF THE CODE OF ORDINANCES OF
THE BOROUGH OF ELIZABETHTOWN, CHAPTER 20 TO AMEND THE FOLLOWING
CHAPTER AND SECTIONS

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, as follows:

Section 1.

- Chapter 20, Part 1, Section 101, Definitions shall be amended as follows:
 - Section 101 shall be amended to add a definition for mixed paper.
 - **Mixed Paper:** Generally refers to paper of various grades, colors, finishes, and coatings mixed together.
 - Section 101 shall be amended to add a definition for nonprocessable waste.
 - **Nonprocessable Waste:** Nonprocessable Waste is a portion of Municipal Waste consisting of materials which cannot be handled by LCSWMA's normal collection, processing or disposal methods or which are greater than six feet in any dimension. Nonprocessable Waste includes, without limitation, large auto parts; machinery; boats; recreational vehicles; etc.
 - Section 101 shall be amended to revise the definition for oversized refuse items.
 - **Oversized Refuse Items:** Refuse which will not fit into refuse containers, but which is not nonprocessable waste, including furniture (no sleeper sofas), carpet (up to 48 inches in length, rolled and tied), scrap metal (pieces up to 48 inches in length) and the like, but excluding tires and white goods. (Over-sized refuse items are items that can be easily lifted by two people).
 - Section 101 shall be amended to revise the definition for plastics.
 - **Plastics:** Recyclable Plastics consist of containers with a neck, such as water and soda bottles, food jars and tea, milk or detergent jugs, which are primarily made of resins PET and HDPE.
 - Section 101 shall be amended to revise the definition for recycling.
 - **Recycling:** The separation, collection, recovery and sale or reuse of metals, glass, 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.
 - Section 101 shall be amended to revise the definition for recycling container.
 - **Recycling Container:** For residential units, a receptacle which is (i) constructed of plastic, metal or fiberglass having handles of adequate strength for lifting. With respect to residential units, the weight of a container and its contents shall not exceed 30 pounds nor shall its capacity exceed 32 gallons. For multifamily units and nonresidential units, a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting.
 - Section 101 shall be amended to revise the definition for refuse container.

- **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 30 pounds nor shall its capacity exceed 32 gallons.
- Section 101 shall be amended to revise the definition for yard waste.
 - **Yard Waste:** All garden residues, leaves, shrubbery and tree trimmings.

Section 2.

- Chapter 20, Part 1, Section 106, Designated Recyclable Materials shall be amended as follows:
 - Section 106.1 (vi) shall be amended to replace newsprint with corrugated cardboard.
 - Section 106.2 shall be amended to add (ix) corrugated cardboard.
 - Section 106.3 shall be amended to remove (vi) high grade office paper.
 - Section 106.4 shall be added to state
 - Residential units, multifamily units and nonresidential units shall source separate all items which LCSWMA has determined through action of the LCSWMA Board to be recyclable through source separation.

Section 3.

- Chapter 20, Part 1, Section 109, Leaves and Woody Waste shall be amended as follows:
 - Section title shall be revised to “Leaves, Yard Waste and Woody Waste”.
 - Leaves, yard waste and woody waste shall be collected for recycling a designated number of times per year in accordance with the municipal contract.

Section 4.

- Chapter 20, Part 1, Section 115, Penalty shall be amended as follows:
 - Section title shall be revised to “Penalty and Public Safety Official Notice and Quick Ticket Procedures”
 - 1. **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 include, 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.

2. Public Safety Official Notice and Quick Ticket Procedures. The Code Compliance Official is authorized to issue public safety official notices for Solid Waste Code violations and Quick Tickets for violations including, but not limited to, improper storage and/or placement of refuse and recycling containers, untimely placement of refuse and recycling containers, use of oversized refuse and/or recycling container(s), additional refuse placed curbside not marked with an extra service tag, and additional oversized refuse items placed for curbside collection. The Code Compliance Official may issue a Quick Ticket in addition to or in lieu of issuing a notice of violation. The Code Compliance Official shall serve the ticket by mail, personally delivering the ticket to the property owner or property management office or company responsible for said property in violation or by affixing the ticket to the property where the violation exists. The Code Compliance Official may use more than one form to serve the ticket to the violator. The Quick Ticket penalties for the above-referenced violations shall be payable within 15 days. Repeat offenders shall be subject to additional penalties. Failure to pay the Quick Ticket within 15 days may result in a summary citation being issued through the local Magisterial District Judge's office. The Borough Council of the Borough of Elizabethtown shall approve Quick Ticket forms and penalty amounts by resolution. Appeals of this Section shall be made pursuant to Chapter 5 § 113 of the Borough of Elizabethtown Code of Ordinances.

Section 5.

- Chapter 20, Attachment 1- Monthly Municipal Report shall be deleted.

Section 6.

- Chapter 20, Attachment 2- Municipality's Policies and Procedures shall be amended as follows:
 - o Title shall be revised to be "Attachment 1 – Municipality's Policies and Procedures".
 - o Section 1, b, (ii) shall be revised as follows:
 - (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. If a holiday falls on a collection day that collection day will move to the Friday of that week. 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.
 - o Section 2, b shall be revised as follows:
 - Each unit is permitted two 32-gallon, 30-pound limit, refuse containers per week. Each additional refuse container requires an extra-service tag. Units on the Borough's trash collection program may not use a 64-gallon container.
 - o Section 2, f shall be revised as follows:
 - (i) Leaves will be collected on dates established by the Municipality.

- (ii) Leaves must be bagged in biodegradable Kraft leaf bags, unless stated otherwise in the municipal contract or by the Municipality.
- (iii) Yard waste, such as garden residues, acorns, pinecones, and woody waste, such as sticks, are not permitted in the Kraft bags, unless stated otherwise in the municipal contract or by the Municipality.
- Section 2, g shall be added as follows:
 - g. Yard and Woody Waste Collection
 - (i) Yard waste and woody waste will be collected on dates established by the Municipality.
 - (ii) Yard and woody waste may be placed in a container of resident's choice unless stated otherwise in the municipal contract or by the Municipality. The weight of the container and its contents shall not exceed 30 pounds nor shall its capacity exceed 32 gallons. The container is to have a yard waste sticker adhered to it to identify it for collection. Stickers are available to residents at the Borough Office during normal business hours.
 - (iii) Branches shall be placed in a container or tied with biodegradable string in bundles up to 20" in diameter and less than 4' in length and set at the curb. Bundles or containers shall weigh no more than 30 pounds.
 - (iv) Biodegradable Kraft leaf bags are not to be used for yard and woody waste, unless stated otherwise in the municipal contract or by the Municipality.
- Section 4 shall be revised as follows:
 - (a) Each recycling container is to have a recycling symbol sticker adhered to it to identify it for collection. Stickers are available to residents at the Borough Office during normal business hours.
 - (b) Corrugated cardboard shall be placed in a container or tied with biodegradable string and bundled and set at the curb. Bundles or containers shall weigh no more than 30 pounds.

Section 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed insofar as they may conflict with this ordinance. The provisions of this ordinance are severable. If any section, clause, sentence, part or provision shall be determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair or effect any remaining provisions of the ordinance, it being the intention of the Borough Council that it would have adopted the ordinance even if the offending language had not been included.

Section 8. All other sections, parts and provisions of the Code of Ordinances shall remain in force and effect as previously enacted and amended.

Section 9. This ordinance shall take effect and be in force after its enactment as provided by law.

DRAFT

September 6, 2018

DULY ORDAINED AND ENACTED this _____ day of _____, 2018 by
the Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, in
lawful session assembled.

ATTEST: _____
Secretary

BY: _____
Council (Vice) President

[BOROUGH SEAL]

APPROVED this _____ day of _____, 2018.

BY: _____
Mayor