

ORDINANCE NO. 835

AN ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG AMENDING CHAPTER 20, OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE" PART 2 ENTITLED "COLLECTION AND RECYCLING OF WASTE" TO DELETE REFERENCES TO REQUIRING LICENSES OF HAULERS OF MUNICIPAL WASTE; CONTINUE TO REQUIRE ALL HAULERS OF MUNICIPAL WASTE TO CONFORM WITH CERTAIN STANDARDS AND REPORTING REQUIREMENTS; AUTHORIZE THE BLAIR COUNTY SOLID WASTE DEPARTMENT TO ENFORCE THE PROVISIONS OF THIS PART; AND PROVIDE AN EFFECTIVE DATE.

SECTION 1. AMENDMENT OF CHAPTER 20, PART 2.

Chapter 20, Part 2 entitled "Collection and Recycling of Waste" is hereby amended as follows:

Part 2

Collection and Recycling Waste

§201. Legislative Purpose.

The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. The collection of newspaper, aluminum cans, bi-metallic cans, clear and colored glass, plastic beverage containers and leaf wastes for recycling from homes, apartments and other residential establishments and, in addition to these recyclables, high grade office paper and corrugated paper from commercial and institutional establishments in the Borough of Hollidaysburg and such other recyclables that shall be, by resolution, determined to serve the general public interest may reduce storage, collection, transportation and disposal costs of said wastes and preserve valuable natural resources. This Part has been developed to implement municipal responsibilities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988). (Ord. 663, 12/27/1990, §1)

§202. Definitions.

ALUMINUM CANS — all aluminum cans (typically used for packaging beverages).

BI-METALLIC CANS — this consists of ferrous or “tin cans” commonly used in packaging food products and also those cans consisting of steel and aluminum.

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

CORRUGATED PAPER — paper of the type commonly referred to as “card-board,” typically used for boxing material.

GARBAGE — putrescible animal, fish, fowl², fruit or vegetable waste, incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS — all products made from silica or sand, soda ash and limestone; the product may be transparent, translucent, or colored and may be used as a container for packaging or bottling of various matter. Excluded are plate glass, auto-motive glass, blue glass, leaded glass, pyrex and porcelain and ceramic products and lids.

HAULER — a person who collects, transports and disposes of municipal waste, recyclables (including leaf waste) from residential commercial and/or industrial establishments.

HIGHGRADE OFFICE PAPER — all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT — those facilities that house or serve groups of people such as hospitals, schools, daycare centers, nursing homes, prisons and churches.

LEAF WASTE — leaves, garden residue, shrubbery, tree trimmings and similar material, not including grass.

MUNICIPAL WASTE — any garbage, refuse, industrial lunchroom or office waste or other material, including liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities (including, but not limited to, festivals). The term does not include source separated recyclable materials.

²Ord. 663, read “foul

NEWSPRINT — paper of the type commonly referred to as “newspaper” and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded are glossy inserts often included with newspapers.

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

PERSON — every natural person, association, firm or corporation. Person also includes a lessee as well as an owner of a residential establishment, and includes a person, association, firm or corporation which owns a residence or business.

RECYCLABLES — materials generated by a person which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclables include the following: newsprint, aluminum cans, bi-metallic cans, clear and/or colored glass, plastic beverage containers, high grade office paper, corrugated paper, leaf waste and such other materials as may be designated or deleted from time to time by resolution.

RESIDENTIAL ESTABLISHMENT — any single family or multi-family dwelling having less than four dwelling units per structure from which the Borough of Hollidaysburg collects municipal waste, recyclables and leaf waste.

(Ord. 663, 12/27/1990, §2)

§203. Establishment of Recycling Program; Grant of Power.

The Borough of Hollidaysburg hereby establishes a recycling program for the mandatory separation and collection of the designated recyclables as set forth in the guidelines promulgated pursuant to this Part from all residential, commercial and/or institutional establishments in the Borough of Hollidaysburg. Collection of the materials to be recycled shall be made by the Borough of Hollidaysburg and/or its designated haulers. (Ord. 663, 12/27/1990, §3)

§204. Establishment of Collection Guidelines.

The Council of the Borough of Hollidaysburg are hereby authorized and empowered to establish guidelines by resolution regarding the manner, days (which shall not be less than two days per month), and times of collection of recyclable materials, and the bundling, handling, location and time of placement of such materials for collection. (Ord. 663, 12/27/1990, §4)

§205. Separation and Collection.

1. All persons shall separate recyclables and leaf waste specified in the guidelines promulgated pursuant to this Part from municipal waste produced at their homes, apartments and other residential establishments and shall store such material for collection and shall place the same for collection by the Borough of Hollidaysburg and/or the haulers contracted by such establishment at the typical location for

collection of municipal waste in accordance with the collection guidelines.

2. An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with four or more units shall comply with its recycling responsibilities by establishing a collection system for recyclables and leaf wastes as set forth in the guidelines promulgated pursuant to this Part at each property. The collection system must include containers (which shall be approved by the Borough of Hollidaysburg) for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants of said property concerning the use and availability of the collection system. Arrangements shall be made by owner for collection of these materials by the Borough of Hollidaysburg and/or haulers contracted by such establishment.
3. All persons must separate leaf wastes from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf wastes as approved by the Borough of Hollidaysburg.
4. Persons must separate recyclables and leaf wastes specified in the guidelines promulgated pursuant to this Part generated at commercial, municipal or institutional establishments and from community activities (such as festivals) and store the material until collection. Arrangements shall be made by persons operating commercial, municipal or institutional establishments for collection of these materials.

(Ord. 663, 12/27/1990, §5)

§206. Ownership of Recyclable Materials.

All recyclables placed for collection by the persons owning, operating, and/or occupying any residential, multi-family rental housing property, commercial, municipal, and/or institutional establishments in the Borough of Hollidaysburg for collection by Borough of Hollidaysburg and/or its hauler pursuant to this Part and the guidelines authorized hereunder shall, from time of collection, become the property of the Borough of Hollidaysburg and/or the hauler designated by such persons owning, operating, and/or occupying, except as otherwise provided by Section 208 of this Part. Only the hauler so designated by the persons owning, operating, and/or occupying any residential, multi-family rental housing property, commercial, municipal and/or institutional establishments to collect recyclables shall have the right to collect such recyclables once placed for collection and all other persons are hereby prohibited from collecting such recyclables.

§207. Collection Prohibited.

It shall be a violation of this Part, for any person other than the Borough of Hollidaysburg and/or its haulers contracted to collect recyclables placed by a resident for collection by the Borough of Hollidaysburg and/or a hauler, unless such person has prior written permission to make such collection as set forth in §208 of this Part. Each unauthorized collection in violation hereof from a residence, commercial, municipal and/or institutional establishment shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. 663, 12/27/1990, §7)

§208. Other Means of Recycling.

Any person may donate and/or sell recyclables and/or leaf waste to any person, whether operating for profit or not, provided that the receiving person shall not collect such donated recyclable materials from the collection point of a residence without the prior written permission of the Borough of Hollidaysburg to make such collection. Every person, whether operating for profit or not, collecting recyclables and/or leaf waste, pursuant to this Section, shall be subject to any and all reporting requirements, as to the types and amounts of recyclables and/or leaf waste collected, as set forth in the guidelines promulgated pursuant to this Part. (Ord. 663, 12/27/1990, §8)

§209. Designated Site.

The Borough of Hollidaysburg may designate, by guidelines promulgated pursuant to this Part, a recycling recovery facilities to which all recyclable materials collected in the Borough of Hollidaysburg shall be directed. (Ord. 663, 12/27/1990, §9)

§210. Contracts.

1. General Rule. Nothing in this Part shall be construed to interfere with, or in any way modify, the provisions of any contract for recyclable material recovery, processing or collection in force in the Borough of Hollidaysburg on December 27, 1990.
2. Renewals. No renewal of any existing contract upon the expiration or termination of the original term thereof, and no new contract for recyclable material recovery, processing or collection shall be entered into after the effective date of this Part, unless such renewal or such new contract shall conform to the applicable guidelines promulgated pursuant to this Part.
3. Renegotiation Option. No contract renewal or new contract for recyclable material recovery, processing or collection shall be entered into unless such contract contains a provision for renegotiation to conform to the guidelines promulgated, pursuant to this Part.

(Ord. 663, 12/27/1990, §10)

§211. Annual Report.

On or before February 15 of each year, the Secretary of the Borough of Hollidaysburg shall submit a report to the County of Blair which shall describe the weight or volume of materials that were recycled by the municipal recycling program in the preceding calendar year. (Ord. 663, 12/27/1990, §11)

§212. Enforcement and Penalty.

1. Any person who shall violate the provisions of §205 and/or §208 shall receive an official warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

2. A. Enforcement.

Any police officer and/or other authorized agent and/or other person authorized by the Borough Council, including but not limited to the Blair County Solid Waste Department may enforce the provisions of this Part.

B. Penalty.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 (\$100.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars plus the cost of prosecution and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

3. Hollidaysburg Borough and/or its haulers reserves the right not to collect municipal waste containing or mixed with recyclable materials, or recyclable material containing or mixed with municipal waste, in combination with non-recyclable materials.

§213. Delineated Existing Recycling Operation.

Recycling operations that are in existence on December 27, 1990 may continue their operation so long as they abide by the provisions of this Part and the guidelines promulgated pursuant to this Part. (Ord. 663, 12/27/1990, §13)

§214. Repeal and Severability.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Should any part of this Ordinance be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent* the enforcement of the remainder of this Ordinance. It is hereby declared that such parts as are legal would have been enacted independently of the invalid portion and the invalidity of such part been known, and it is the intention of the Borough of Hollidaysburg that such remainder shall be and remain in full force and effect. (Ord. 663, 12/27/1990, §14)

§215. Effective Date.

This Ordinance shall take effect and be enforced as of the date of enactment. (Ord. 663, 12/27/1990, § 15)

³Ord. 663 read “present.”

ORDAINED AND ENACTED as an Ordinance by the Council of the Borough of Hollidaysburg on this _____ day of December, 2008.

HOLLIDAYSBURG BOROUGH COUNCIL

ATTEST:

John P. Stultz, Jr.
Borough Council President

Ann M. Andrews,
Borough Secretary

APPROVED BY ME THIS _____ DAY OF DECEMBER, 2008.

Joseph P. Dodson, Mayor