

**BOROUGH OF RICHLAND
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 392

AN ORDINANCE OF THE BOROUGH OF RICHLAND, LEBANON COUNTY, PENNSYLVANIA, ADOPTING THE BOROUGH OF RICHLAND MUNICIPAL WASTE AND RECYCLING ORDINANCE ESTABLISHING REGULATIONS REGARDING MUNICIPAL WASTE AND RECYCLABLE MATERIALS GENERATED WITHIN THE BOROUGH, INCLUDING SETTING FORTH A TITLE AND DEFINITIONS; ESTABLISHING MUNICIPAL WASTE AND RECYCLING COLLECTION, TRANSPORTATION AND DISPOSAL REQUIREMENTS AND PERMITTED EXEMPTIONS; ESTABLISHING REFUSE AND RECYCLING FEES; AND ESTABLISHING ADMINISTRATION AND ENFORCEMENT PROCEDURES

BE IT ENACTED by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

Section 1. The Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, hereby adopts the Borough of Richland Municipal Waste and Recycling Ordinance which shall fully amend and restate any prior municipal waste and / or recycling Ordinance and any amendments thereto, as follows:

Part 1

Title and Definitions

Section 101. Short Title. This Ordinance shall be known as the "Borough of Richland Municipal Waste and Recycling Ordinance".

Section 102. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ACT 101 - Act 101 of 1988, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (35 P.S. §4000.101 - 4000.19.04), as amended.

Aluminum Cans - clean, non-aerosol, empty all-aluminum beverage and food containers.

Ashes - the residue resulting from burning of coal, wood coal, coke or other combustible material.

Bimetallic Cans - empty food or beverage containers consisting of steel and aluminum.

Borough - Borough of Richland, Lebanon County, Pennsylvania.

Bulk Waste - Any discarded items that are of a size such that they cannot be placed in a standard-size Municipal Refuse Container. Bulk Waste includes discarded and large household appliances such as refrigerators, stoves, washing machines, dryers, bathtubs, sinks, and commodes. Bulk Waste shall not include Construction Debris, hazardous materials, automotive parts, tires, Leaf Waste, grass clippings, or other yard waste.

Commercial Establishment - an establishment engaged in nonmanufacturing or non-processing business, including, but not limited to, stores, markets office buildings, restaurants, shopping centers and theaters.

Community Activities - Events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more individuals per day.

Construction Debris - customary hazardous waste building materials resulting from construction, remodeling, repair, or demolition operations.

Contractor - the Person with whom the Borough enters into a contract with the Borough to provide Municipal Waste and Recycling collection, transportation, and disposal services, including said Contractor's: employees.

Corrugated Paper- structured paper material with an inner core shaped in rigid parallel furrows and ridges.

Dwelling Unit - a room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating for the exclusive use of the occupant(s) thereof.

Glass - clear, green, or brown glass bottles and jars. Expressly, excluded from the definition of "glass" is blue glass, lead crystal, porcelain, ceramic products, tempered or plate glass (including window glass) and florescent and incandescent lighting bulbs.

High Grade Office Paper - all white paper, bond paper, and computer paper used in municipal establishments and dwelling units.

Industrial Establishment- An establishment engaged in the manufacturing or processing, including, but not limited to, factories, foundries, processing plants, refineries, mines, and slaughterhouses.

Institutional Establishment- An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Leaf Waste - leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

Magazines and Catalogs - printed periodicals, containing news, opinions, public interest, and advertisements and sales, and marketing brochures distributed periodically other than those advertisements included in newspapers.

Mixed Residential Paper- Newspapers, magazines, catalogs, high grade office paper, corrugated paper, brown paper grocery bags, phone books, paperback books, colored office paper, envelopes, and a minimal amount of junk mail.

Municipal Waste Containers - those containers, supplied and used by the property owners, for storage of Municipal Waste and/or Recyclable Materials until collection by the Contractor.

Municipal Waste - any garbage, Refuse, Ashes, Rubbish, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial, institutional establishments and from community activities, and any sludge not meeting the definition of residential hazardous waste in the Solid Waste Management Act, of the Commonwealth of Pennsylvania from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

Newspapers - paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded from this definition of newspapers are magazines and catalogs.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institutional or agency (including but not limited to, the Department of General Services and the State Public School Building Authority) or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance 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 entity having officers and directors.

Plastic Containers - empty and clean consumer product containers made of polyethylene terephthalate (PETE or #1), or high-density polyethylene (HDPE or #2) including, but not limited to, plastic bottles used as containers for soda, milk, and other consumer food products and for certain household cleaning products and personal care products.

Recyclable Materials - those materials specified by the Borough for separation from Municipal Waste for collection, transportation, processing, disposal, and marketing as part of a recycling program. Recyclable Materials shall not include Leaf Waste.

Recycling- the collection, separation, recovery and sale or reuse of metals, glass, paper, plastics, and other materials that would otherwise be disposed or processed as Municipal Waste.

Refuse - all solid wastes except bodily wastes, including Ashes, garbage, and / or Rubbish but excluding Recyclable Materials. Refuse shall not include Construction Debris, Bulk Waste, Leaf Waste, grass clippings, or any items which the Borough deems to be hazardous.

Rubbish - metal, wood or non-putrescible solid waste, but shall exclude grass clippings, rocks, dirt and Construction Debris.

Source-Separated Recyclable Materials - materials that are required to be separated from Municipal Waste at the point of origin for the purpose of Recycling.

Part 2

Municipal Waste Collection, Transportation and Disposal

Section 201. Municipal Waste Collection and Disposal. All Municipal Waste generated in the Borough shall be collected, transported and disposed of in accordance with this Ordinance.

Section 202. Municipal Waste Collection Service. The Borough shall provide Municipal Waste Collection Service to each residential dwelling unit the Borough. The Borough Municipal Waste Collection Service shall be conducted in accordance with the terms and conditions of Borough specifications for the collection, removal and disposal of Municipal Waste.

Section 203. Exemption. Any business, commercial and industrial establishment and residential apartment unit may request an exemption from the requirement to participate in the Borough Municipal Waste Collection Service by submitting a written exemption request to the Borough. Such properties are responsible for providing its own Municipal Waste Collection Service at its own expense by means of sanitary and legal disposal of such Municipal Waste in accordance with this Ordinance and all other applicable Borough, State and Federal laws and regulations, and must provide a copy of a contract for collection of Municipal Waste via a dumpster to the Borough upon request. In the event that any business, commercial, or industrial establishment or residential apartment unit does not qualify for an exemption or no longer has an exemption, based upon a determination by Borough Council in Borough Council's sole discretion, then any such business, commercial, or industrial establishment or residential apartment unit shall participate in the Borough Municipal Waste Collection Service.

Section 204. Preparation of Municipal Waste.

A. Municipal Waste shall be drained and stored in durable rust and corrosion resistant, non-absorbent, watertight easily washable containers equipped with handles and tight-fitting covers.

B. Ashes shall be stored in fire-resistant containers equipped with handles and tight-fitting covers. Ashes containing hot embers shall not be collected until

they have been adequately quenched. Adequately quenched ashes may be bagged and made part of the Borough Municipal Waste.

C. Rubbish shall be stored in durable containers with tight-fitting covers.

D. No person shall place, throw, or deposit Municipal Waste upon or along the following places within the Borough unless it is placed in a proper Municipal Waste Container for the purpose of collection:

1. any street, alley, road, highway, or public place.
2. any stream or any other body of water within the Borough.
3. any private property.
4. any private property of an oilier, without the consent of such property owner.
5. any Borough owned property, park land or recreation area, unless it is placed in a proper Municipal Waste Container provided by the Borough for such purpose.

E. Any unauthorized accumulation of Municipal Waste on any premises is hereby declared to be a public nuisance and is prohibited.

F. No person shall place, throw or deposit any Municipal Waste or Refuse originating outside the Borough in any container or otherwise so as to cause or attempt to cause such Municipal Waste to be collected at the cost of the Borough as a part of the Municipal Waste collection service, or shall any person entitled to such Municipal Waste collection service allow or consent to the throwing, placing or depositing of such Municipal Waste for such purpose.

Section 205. Municipal Waste Storage. All Municipal Waste storage shall conform to the following standards:

A. All Municipal Waste Containers shall be provided by the owner, tenant or occupant of the premises, unless otherwise specified.

B. The storage of all Municipal Waste by residents of the Borough shall be practiced so as to prevent the attraction, harboring or breeding of insects and/or rodents or vermin, and to eliminate conditions harmful to the public health or which create safety hazards, odors, unsightliness and/or public nuisances.

C. A sufficient number of Municipal Waste Containers necessary to meet the intent of subsection B above shall be provided to contain all Municipal Waste generated between regularly scheduled collections.

D. Bulk Waste shall not be allowed to accumulate on any premises.

Section 206. Individual Containers. Individual Municipal Waste Containers utilized for the storage of Municipal Waste at households and other premises shall have the following physical characteristics:

- A. Construction in such a manner as to be easily handled for collection, in a size specified in the current contract or by Resolution by the Borough.
- B. Constructed of rust and corrosion resistant materials.
- C. Be equipped tight-fitting lids.
- D. Constructed in such manner as to be water-tight, leak-proof, weather-proof, insect-proof, and rodent-proof.
- E. Shall not exceed fifty (50) pounds in weight when filled.
- F. Containers shall not be filled to the point where the lid will not fit properly.

Section 207. Disposable Containers. Disposable containers such as paper and polyethylene bags shall be acceptable for storage of Municipal Waste provided the following conditions are met:

- A. Only those bags specifically designed for storage and collection of Municipal Waste shall be used.
- B. Bags are protected against precipitation, animal damage, and overloading to prevent littering or attracting of insects and / or rodents.
- C. Bags have a holding strength capable of withstanding stresses until they are collected.
- D. Bag openings shall be securely closed prior to setting out for collection.

Section 208. Bulk Waste. All Bulk Waste (tree prunings, bush and yard trimmings, but not grass clippings) when stored outside of containers, shall be tied securely in bundles of a size not to exceed sixty inches by eighteen inches by eighteen inches (60" x 18" x 18") in dimension.

Section 209. Disposal. No person, including but not limited to, the Contractor, shall dispose of any Municipal Waste collected in the Borough except by conveyance to a disposal facility approved by the Pennsylvania Department of Environmental Resources. All Municipal Waste shall be disposed of in sanitary and legal manner in accordance with this Ordinance and all other applicable Borough, State and Federal laws and regulations.

Section 210. Collection Vehicles. Except for the collection of Bulk Waste, all vehicles used for the collection for Municipal Waste shall have watertight enclosed

metal bodies of easily cleanable construction, equipped with compaction devices or otherwise be acceptable to the Borough.

Section 211. Collection Practices.

A. **Place of Collection.** For collection purposes, Municipal Waste Containers shall be placed at ground level, on the property of the structure from which the Municipal Waste emanates and not within the cartway of the street accessible to the public street from which the Municipal Waste collection is made.

B. Municipal Waste shall be collected at such times as might be agreed upon by the Borough and its authorized trash collection Contractor.

C. The Borough Council shall establish by resolution regulations concerning the collection, transportation, and disposal of Construction Materials and Bulk Waste. The collection, transportation, and disposal of Recyclable Materials shall be separately governed by Part 3 of this Ordinance.

Part 3

Recycling

Section 301. Separation Program and Recyclable Materials Established. The Borough hereby establishes a program for the source-separation and collection of Recyclable Materials within the Borough in accordance with the provisions of Act 101.

Section 302. Source-Separated Recyclable Materials.

A. The Borough Council may by resolution designate at least three (3) materials identified herein to be separated from all Municipal Waste generated within the Borough:

- Aluminum cans
- Bimetallic cans
- Glass containers
- High grade office paper
- Magazines and Catalogs
- Mixed Residential Paper
- Newspapers
- Plastic containers

B. The Borough may from time to time designate other materials as Recyclable Materials.

Section 303. Recycling Collection, Transportation and Disposal Service. All properties in the Borough that receive Borough Municipal Waste collection services may also receive the Borough Recycling Separation and Collection Program. Such service

shall be in accordance with the terms and conditions of the Borough Specifications for the Collection, Removal and Disposal of Recyclable Materials.

Section 304. Private Recycling Programs.

A. Those persons and properties in the Borough which do not receive Borough Recycling Separation and Collection Program including, but not limited to, all municipal, commercial, industrial properties and institutional establishments and community activities, and residential apartment properties may establish and maintain their own private recycling programs in accordance with the provisions of this Ordinance and Act 101.

B. Private recycling programs must include, at a minimum, Aluminum Cans, Corrugated Paper, and High-Grade Office Paper.

Section 305. Leaf Waste Collection. Leaf Waste shall be collected by the Borough seasonally pursuant to Borough guidelines, in accordance with the schedules established annually by the Borough Council. Rules and Regulations concerning Leaf Waste collections shall also be established by the Borough Council.

Section 306. Ownership and Responsibility for Recyclable Materials. All Recyclable Materials placed out for the Borough Recycling Separation and Collection Program shall be owned by and be the responsibility of the owner and/or occupant of the property accumulating and storing said Recyclable Materials until the same are collected. The contractual arrangements between the Borough and the Contractor providing Borough Recycling Separation and Collection Program shall govern whether ownership and such Recyclable Materials rests with the Borough, or the Contractor upon its acceptance and collection of the same.

Section 307. Prohibitions.

A. It shall be unlawful for any person, other than the Contractor authorized by the Borough to provide the Borough Recycling Separation and Collection Program, to collect, transport process or market Recyclable Materials from those properties receiving the Borough Recycling Separation and Collection Program, provided, however, this Section shall not prohibit a Borough resident or property owner, who is not regularly engaged in the business of Municipal Waste collection or the Recycling Separation and Collection Program, from recycling his/her own personal Recyclable Materials in a manner separate from the Borough Recycling Separation and Collection Program.

B. It shall be unlawful for any person to deposit for collection any Recyclable Materials not generated at the property from which collection is made.

Part 4

Fees

Section 401. Imposition of Municipal Waste and Recycling Fees. The Borough hereby imposes Municipal Waste and Recycling Separation and Collection Program fees (the "Fees") upon the owners of all properties in the Borough which receive Borough Municipal Waste collection and Recycling Separation and Collection Program at rates to be fixed by the Borough. For the purpose of this Ordinance, undeveloped lots shall not receive Borough Municipal Waste collection or Recycling Separation and Collection Program nor be subject to the Fees.

Section 402. Application of Fee. All Fees collected pursuant to the provisions of this Ordinance shall be applied toward the cost of the Borough Municipal Waste collection and Recycling Separation and Collection Program.

Section 403. Collection; Enforcement. The Borough shall send billings for the annual Fees to all property owners subject to this Ordinance on an annual basis or as otherwise designated by Borough Council. Payments shall be due within thirty (30) days of the billing date. Any property owner failing to make payment within the allotted time shall be subject to a penalty charge of ten percent (10%) of the Fees, plus an administrative fee of Twenty-Five Dollars (\$25.00). All delinquent Fees shall be collected by the Borough in such manner as authorized by laws, including suit in assumpsit and/or the filing of a municipal claim in the office of the Prothonotary of Lebanon County. Any property owner whose Fees are delinquent shall reimburse the Borough for the actual costs associated with collecting the delinquent fees, including reasonable attorneys' fees, court filing fees and all other costs. The Borough may impose interest on all delinquent accounts in the amount of ten percent (10%) per annum, in accordance with the Municipal Claims and Tax Lien Law.

Section 404. Responsibility for Payment. The owner of the property served by the Municipal Waste and Recycling Separation and Collection Program shall be responsible to the Borough for the payment of all Fees and other amounts due hereunder irrespective of any agreement between the property owner and any third party, and the billings shall, in all cases, be rendered to the owner of the property.

Section 405. Termination of Services. The Borough reserves the right to terminate Borough Municipal Waste collection and Recycling Separation and Collection Programs to any property whose owner has not paid the required Fees. In the event service is discontinued to any property for nonpayment of the Fees, the property owner shall be responsible for disposition of all Municipal Waste and Recyclable Materials in a proper manner, at the owner's expense and in accordance with this Ordinance and all other applicable Borough, State and Federal laws and regulations, and failure to do so shall be deemed to be a public nuisance and a violation of this Ordinance and shall be punishable as such.

Section 406. Effective Date. The Fees imposed hereby are effective with regard to Borough Municipal Waste collection and Recycling Separation and Collection

Program for the calendar year commencing as of January 1, 2024. The annual Fees imposed hereby shall continue without annual reenactment for each and every successive Borough fiscal year thereafter.

Part 5

Administration and Enforcement

Section 501. Responsibility. The Code Enforcement Officer of the Borough shall be responsible for the administration and enforcement of this Ordinance.

Section 502. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction before a Magisterial District Justice, to be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) and to pay any fees and/or charges due under this Ordinance remaining unpaid, and in default of payment of such fine, fees and/or charges, then to imprisonment for not more than thirty (30) days. Each day's continuance of this violation of this Ordinance shall constitute a new separate offense. Nothing in this Section shall be construed to limit the right of the Borough to enforce this Ordinance.

Section 503. Injunctions. In addition to any other remedy provided by Act 101 or this Ordinance, an action may be brought by the Borough, upon relation of the Borough Solicitor, in a court of competent jurisdiction for an injunction to restrain any and all violations of Act 101 or this Ordinance or to restrain any public nuisance.

Section 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 3. All ordinances or parts of ordinances of the Borough of Richland which are inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

DULY ENACTED AND ORDAINED this 23 day of MAY, 2023.

BOROUGH OF RICHLAND
Lebanon County, Pennsylvania

By:

Kevin Brecker
(Vice) President

Attest:

Rebecca Schnoke
Rebecca Schnoke, Secretary

APPROVED as an Ordinance of the Borough of Richland, Lebanon County, Pennsylvania this 23 day of MAY, 2023.

Ray Shonover
Mayor