

BOROUGH OF WEST EASTON  
ORDINANCE #462

AN ORDINANCE AMENDING CHAPTER XX SOLID WASTE OF THE CODE OF ORDINANCES BY THE COUNCIL OF THE BOROUGH OF WEST EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE AND RECYCLABLES FROM THE BOROUGH" OF WEST EASTON BY PROVIDING FOR A CONTRACTOR TO UNDERTAKE THE RESPONSIBILITY FOR SAME; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS FOR THE COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE AND RECYCLABLES; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of West Easton, Pennsylvania, as follows:

PART 1 - COLLECTION AND DISPOSAL REFUSE

Section 1 - Definition. For the purpose of this Part, the following terms, phrases or words shall have the meaning ascribed to them in this section, except where the context in which the work is used clearly indicates otherwise.

A. "Aluminum" means aluminum food and beverage containers which contain only non-aerosol or edible substances.

B. "Borough" means the Borough of West Easton located in the County of Northampton, Pennsylvania, a Pennsylvania Municipal Corporation.

C. "Co-mingled" means aluminum, bimetallic and steel, glass and plastic food and beverage containers (as defined herein), placed in a special recycling container for the purpose of collection without having been segregated by color or type.

D. "Commercial Establishment" means an establishment engaged in nonmanufacturing or non processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters and shall also mean those facilities that house or serve groups of people such as hospitals, schools, day care centers, universities and nursing homes.

E. "Composting" means the process by which organic material is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

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F. "Contractor" means entity or organization authorized by the Borough to collect, transport and dispose the Borough's refuse and recyclables.

G. "Corrugated Paper" means structural paper material with an inner core shaped in rigid parallel furrows and ridges.

H. "Glass" shall, for the purpose of this contract, mean glass food and beverage containers commonly found in the home. It includes clear (flint), green and brown (amber) colored containers. It excludes crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.

I. "Hauler" means a person who owns and/or operates vehicles engaged in the collection or transportation of municipal waste within the Borough.

J. "High-Grade Office Paper" means all white paper, bond paper, and computer paper used in commercial, institutional and municipal establishments and in residences.

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

L. "Mixed Use" means any combination of commercial (4 cans per week or less) and residential units the total being (4) or less from which refuse and recyclables are collected.

M. "Multi-Family Housing Properties" means any property having five (5) or more dwelling units per structure.

N. "Newspaper" means types of paper made from wood pulp and/or other fibrous materials mixed together, either with or without chemicals, to produce thin sheets of the products customarily and primarily used for the production of newsprint.

O. "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government of agency, State institution or agency (including, but not limited to the Department of General Services and the Pennsylvania 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 legal entity having officers and directors.

X. "Source Separated Recyclable Materials" means those materials separated at the point of origin for the purpose of being recycled.

Y. "Steel and Bimetallic" means steel and bimetallic food and beverage containers which contain only non-aerosol or edible substances.

Section 2 - Containers. All refuse originating within the Borough of West Easton shall be disposed of only by the Contractor designated as herein provided unless herein exempted. No person except the Contractor shall collect, remove, haul or convey refuse through or upon any of the streets of the Borough and dispose of the same in any manner or place, except as herein provided.

A. Preparation of Refuse

1. All garbage shall be drained of liquid before being placed in the container.

2. Tree trimmings, hedge clippings and similar rubbish shall be cut in lengths not exceeding three feet (3') and shall be securely tied in bundles before being deposited for collection.

3. Magazines and other printed matter (excluding newspaper) shall be securely tied in bundles or placed in brown paper bags not exceeding fifty (50) pounds in weight.

B. Refuse Containers

1. All garbage shall be placed in containers.

2. Refuse containers shall be durable, water-tight, rust-resistant material having a close-fitting lid and handles to facilitate collection.

3. Containers shall be limited to thirty (30) gallons capacity and when filled shall weigh not more than fifty (50) pounds.

4. Plastic bags can be used as refuse receptacles providing that they are sealed to prevent the scattering about of their contents and do not contain any rips, tears or punctures.

5. All containers shall be kept in a sanitary condition and shall be kept in good repair.

6. Location of Containers - All refuse containers shall be placed at the curb line or street of the respective home or householder and must be removed from the street or curb line promptly following its collection.

7. Time Restrictions - No refuse containers may be placed earlier than 5:00 p.m. of the evening prior to scheduled collection date. All refuse containers shall be placed prior to the time set for collection.

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C. All refuse shall generate at the place of collection and shall not exceed four (4) containers per week per residential unit or qualified commercial establishment.

Section 3 - Commercial Establishments. All commercial establishments utilizing more than (4) four containers per week shall be exempt from the application of this Part, except to the extent that the hauler responsible for the removal of refuse from commercial establishments shall meet the requirements of Sections 5 and 6 of this Part 1. The accumulation of refuse from commercial establishments shall be collected and disposed of at the expense of the Owner.

Section 4 - Multi-Family Housing Properties. The accumulation of refuse from multi-family housing properties shall be collected and disposed of at the expense of the Owner. The hauler responsible for removing of refuse from multi-family housing properties shall meet the requirements of Section 5 and 6 of this Part 1.

Section 5 - Refuse Vehicles. All persons gathering or hauling refuse in, over and upon the streets of the Borough of West Easton shall haul the same only in vehicles tightly closed on the bottom and sides so as to prevent refuse from spilling, dripping or otherwise falling or coming upon any sidewalk, street, or alley, and all such vehicles shall be so operated as to prevent offensive odors from escaping therefrom and refuse from being blown or spilled upon any sidewalk or street, and shall be kept in a sanitary condition at all times.

Section 6 - License Required to Collect Refuse from Commercial Users and Multi-Family Housing Properties. It shall be unlawful for any person to engage in the business of collecting refuse from commercial establishments and multi-family housing properties within the Borough limit without obtaining a license from the Borough Administrative Clerk. All persons desiring such license shall annually present a written application to the Borough Administrative Clerk setting forth the intention to engage in the business of collecting refuse from commercial establishments and multi-family housing properties, the equipment and property to be used in the said business, and such other information as the Administrative Clerk may require. The Clerk, upon being satisfied that the applicant is able to provide such service, shall grant such a license for the period of one (1) year of such portion of the calendar year as may then be remaining. The holder of such license shall, upon receiving the same, pay the annual license fee in the amount of One Hundred (\$100.00) Dollars for each vehicle used in collecting refuse from commercial establishments and multi-family housing properties. All licenses so issued shall expire on the thirty-first (31st) day of December of each year, and the license fee herein provided shall not be divisible or prorated.

Section 7 - Hours of Operation. Collection of refuse and recyclables shall be limited to the hours of 5:30 a.m. - 5:00 p.m. Monday - Saturday.

Section 8 - Collection and Disposition. Collection of all refuse and the disposition thereof shall be in accordance with this Part 1 and such contract for refuse collection entered into from time to time by the Borough of West Easton and a designated contractor as the result of public bid for the said contractor.

Section 9 - Fees. The Council of the Borough of West Easton shall, from time to time by resolution, establish a schedule of fees for collection of refuse thereof, and amend said schedule and system from time to time as the need for amendment may arise. The proceeds of said fee shall be applied toward the general fund. The Council may also establish a schedule of fees for special collections.

Section 10 - Regulations. The Council of the Borough of West Easton reserves the right to further implement this Part 1 by Rules and Regulations which it may pass by resolution from time to time. The Rules and Regulations shall be construed as a part of this Part 1.

Section 11 - Penalty for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided: each day's continuance of a violation of any provision of this Part shall constitute a separate violation.

## PART 2 - COLLECTION AND DISPOSAL RECYCLABLES

### Section 1 - Separation and Collections.

A. All persons who are residents of the Borough shall separate all designated recyclables from all other refuse produced at their homes, apartments, and other residential establishments and to store such material for collection, and shall place same for collection in accordance with the guidelines established by their respective hauler or the Borough.

1. An owner, landlord, or agent of any owner or landlord of a multi-family housing property may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers 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 systems. Owners, landlords, and agents of owners or

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landlords who comply with this section shall not be liable for non-compliance of occupants of their buildings.

B. All persons must separate high grade office paper, aluminum, corrugated paper, and leaf waste generated at commercial establishments and from community activities and store the material until collection. A person may be exempted from this paragraph if the person submits documentation to Borough annually indicating the above recyclables are being recycled in an appropriate manner.

Section 2 - Designated Recyclables. Designated recyclables consist of the following:

Newspaper;  
Glass;  
Aluminum;  
Steel and Bimetallic;  
Plastics;

Section 3 - Ownership of Designated Recyclables. All designated recyclables placed by the resident for collection pursuant to this Ordinance and Regulations hereunder, shall, from time of pick-up, become the property of their hauler or the Contractor.

Section 4 - Collection Prohibited. It shall be a violation of this Ordinance, for any person, other than the hauler authorized by multi-family housing properties, or each commercial or the contractor to collect designated recyclables placed by a resident for collection. Each unauthorized collection in violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

Section 5 - Other Means of Recycling. Any resident may donate or sell designated recyclables to any person whether operating for profit or not, provided that the receiving person shall not collect such designated recyclables from the same collection point and at times used by a designated hauler or the contractor.

Section 6 - Leaf Waste. All persons shall separate leaf waste from other refuse. Tree leaves shall either be placed loose in the street near the curb for municipal collection on designated days or shall be placed in open bags at the same location and notification be made to the Highway Department of the need for collection. After September 1, 1991, other leaf waste shall be taken for composting to a site as designated by the Borough.

Section 7 - Fees. The Council of the Borough of West Easton shall, from time to time by resolution, establish a schedule of fees for the collection of recyclables thereof, and amend said schedule and system from time to time as the need for amendment may arise. The proceeds of said fee shall be applied toward the general fund. The Council may also establish a schedule of fees for special collections.

Section 8 - Regulations. The Council of the Borough of West Easton reserves the right to further implement this Part 1 by Rules and Regulations which it may pass by resolution from time to time. The Rules and Regulations shall be construed as a part of this Part 1.

Section 9 - Penalties. Any person who shall violate any provision of this Ordinance shall receive an official written warning of non-compliance for the first offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided: each day's continuance of a violation of any provision of this Part shall constitute a separate violation.

Section 10 - Repeal and Severability. All ordinances or part 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 or 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 erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Borough of West Easton that such remainder shall be and remain in full force and effect.

Section 11 - Effective Date. This Ordinance shall take effect and be in force from and after its approval as required by law.

ORDAINED AND ENACTED this 2nd day of DECEMBER, 1991,  
by the Council of the Borough of West Easton, Pennsylvania.

William J. Romani  
President of Council

Attest: Walter Green  
Borough Secretary/Manager

Approved this 2nd day of DECEMBER, 1991.

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Mayor