

CHAPTER 20

SOLID WASTE

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PART 1

ESTABLISHMENT, MAINTENANCE, CREATION AND FINANCING OF REFUSE COLLECTION SYSTEMS AND REFUSE DISPOSAL METHODS AND SITES; COLLECTION AND DISPOSAL OF RECYCLABLES

A. Storage, Collection and Disposal of Refuse.

§20-101. Definitions.

For the purposes of this Part, the following words and phrases shall have the meanings ascribed to them in this Section:

PERSON — any institution, public or private corporation, individual, partnership or other entity.

PREMISES — land, buildings or other structures, vehicles or parts thereof, upon or in which refuse is stored.

REFUSE — all solid wastes of a community, including garbage, ashes, rubbish, bottles, cans and bulky wastes, but not including body wastes.

(Ord. 857, 8/20/1990 Part I, §1)

§20-102. Funds, Appropriation, Borrowing, Other Means.

The Borough Council of the Borough of Ambler is authorized to make funds available by appropriation by borrowing or by other means, in accordance with the laws and procedures of the Borough, for equipment for the collection or disposal of refuse and for the establishment, maintenance and operation of refuse collection systems and refuse disposal methods and sites as well as for the payment to contractors to carry out any of the above objectives.

(Ord. 857, 8/20/1990, Part I, §2)

§20-103. Permits, Rules and Regulations.

1. It shall be unlawful for any person who does not possess a permit to engage in the business of refuse collection or refuse disposal for compensation in the Borough. Provided, that such permittees shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this Part. Further, such licenses as Montgomery County may require shall be obtained as a condition precedent to engaging in the business of refuse collection or refuse disposal in the Borough.

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2. Every person desiring a Borough permit to engage in the collection and/or disposal of refuse shall make written application to the Borough of Ambler, setting forth the name of such person, the residence address thereof or the place of business, a description of the place of disposal and the method of disposal to be practiced. Upon approval of such application, the Borough of Ambler shall issue a permit to the applicant. The permit fee shall be established, from time to time, by resolution of Council, payable in advance to the Borough of Ambler. Every person desiring a Montgomery County license shall request the same of the County pursuant to their regulations and procedures then in effect is offered.
3. Any permittee and licensee expressly agrees to abide by the rules and regulations of the Borough of Ambler and the County of Montgomery. In particular, each refuse collector must, no less often than once every six months, provide information to its customers (or to the residents in case of residential pickup) information regarding the types of materials that are recyclable; what materials are considered leaf waste; when and how such materials are collected; and, in the case of leaf waste, when and where leaf waste can be brought to a composting facility.
4. Any person whose application for a Borough permit has been denied may request and shall be granted a hearing before the Borough Council.
5. A Borough permit issued under this Part shall expire on the 31st day of December of each year. Permits shall be renewable annually, in the same manner and upon payment of the same annual fee as provided in Subsection 2 of this Section.
6. Applicants for a Borough permit shall have available for the collection and/or disposal of refuse closed-body trucks of sufficient design to retain that which is placed therein. Approval of said design shall be made by the Borough Superintendent.
7. A refuse collector having been issued a valid Borough permit under the terms of this Part shall not engage in the business of refuse collection or refuse disposal in the Borough prior to 6:00 a.m. nor after 7:30 p.m. (prevailing time).
8. Borough Res. 89-6¹ and the Inter-County Municipal Agreement and Trash Flow Ord. 850², all as amended.

(Ord. 857, 8/20/1990, Part I, §3; as amended by Ord. 1049, 10/5/2010)

§20-104. Prohibitions; Private Responsibility.

1. The owner or his agent or the occupant of any premises within the Borough shall be responsible for the sanitary condition of the premises occupied by him and it shall be unlawful for any person to place, deposit or allow to be placed or depos-

¹ Editor's Note: Res. 89-6 is not codified but is on file at the Borough office.

² Editor's Note: Ord. 850 is not codified at length but a summary thereof appears in Appendix C and the full text is on file at the Borough office.

ited on his premises any refuse, except as designated by the terms of this Part. Each person or entity, unless exempted, who or which generates municipal waste and/or designated recyclable materials shall have such waste and recyclable materials collected by a municipal waste collector who is legally operating within the Borough, and such collection shall be no less frequent than one time per week.

2. The owner, organization or the occupant of any premises within the Borough shall be responsible for and it shall be unlawful to permit a refuse container to be opened other than at such time as refuse is being deposited in said container or being removed therefrom.
3. Any person responsible for:
 - A. Refuse on premises not served by the refuse collection system of the Borough.
 - B. Refuse not acceptable for collection by the Borough shall make arrangements for the collection and disposal of such refuse with a refuse collector who holds a valid permit issued by the Borough of Ambler and where necessary, a license issued by the County of Montgomery.
 - C. Refuse, particularly used automobile parts and automobile body parts, awaiting lawful disposition, shall not accumulate on any public portion of the property but shall remain inside the premises until the time of its lawful disposal.

(Ord. 857, 8/20/1990, Part I, §4; as amended by Ord. 882, 11/-/1991, §1; and by Ord. 1049, 10/5/2010)

§20-105. Enforcement; Service of Notices and Orders; Hearings.

1. Whenever the Borough of Ambler determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall:
 - A. Be put into writing.
 - B. Include a statement of the reasons why it is being issued.
 - C. Allow a reasonable time for the performance of any act it requires.
 - D. Be served upon the holder of a permit issued under this Part or upon the owner or his agent or the occupant of any premises within the Borough; provided, that such notice shall be deemed to have been properly served when a

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copy thereof has been served personally or in accordance with any other method authorized or required under the laws of the State.

- E. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.
 - F. State that, unless conditions or practices prescribed in such notice which violate this Part are corrected within the reasonable time specified in such notice, a permit which has been issued pursuant to this Part may be suspended or revoked.
2. Any person who is affected by any notice which has been issued in connection with the enforcement of any provision of this Part or of any regulation adopted pursuant thereto may request, and shall be granted, a hearing on the matter before the Borough Council; provided, that such person shall file, in the office of the Borough of Ambler, a written petition requesting such hearing and setting forth a brief statement of the ground therefore, within 10 days after the day the notice was served. Upon receipt of such petition, the Borough Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than 10 days after the day on which the petition was filed. Provided, that upon application of the petitioner, the Borough Council may postpone the date of the hearing for a reasonable time beyond such 10 period when in its judgment the petitioner has submitted a good and sufficient reason for such postponement.
 3. After such hearing, the Borough Council shall sustain, modify or withdraw the notice, depending upon its finding based on such hearing as to whether or not the provisions of this Part and the regulations adopted pursuant thereto have been complied with. If Borough Council sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if written petition for a hearing has not been filed in the office of the Borough of Ambler within 10 days after such notice was served. In the case of any notice which states that a permit required by this Part may be suspended or revoked, the Borough of Ambler may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.
 4. The proceedings at such hearing, including the findings and decision of the Borough Council, shall be summarized, put into writing and entered as a matter of public record in the office of the Borough of Ambler. Such records shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.
 5. Whenever the Borough of Ambler finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order citing the existence of such an emergency and the condition violating this Part which requires corrective ac-

tion to remove such health hazard. If such corrective action has not been taken, the Borough of Ambler may take such action as may be necessary to protect the public health, including stoppage of processing operations. Notwithstanding other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Borough shall be afforded a hearing by the Borough Council as soon as possible, but in any case no later than three days after the petition was filed. After such hearing, depending upon its findings as to whether or not the provision of this Part and of the regulations adopted pursuant thereto have been complied with, the Borough shall continue such order in effect or modify it or revoke it.

(Ord. 857, 8/20/1990, Part I, §5)

§20-106. Inspection.

The Board of Health shall have the power to enter at reasonable times upon private or public property, for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this Part.

(Ord. 857, 8/20/1990, Part I, §6)

§20-107. Refuse Acceptable for Collection.

1. Garbage, putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of food. Garbage will be collected by a private collector until July 1, 1968. After July 1, 1968, garbage will be collected according to §20-109, Refuse Storage.
2. Combustible rubbish consisting of paper, cardboard, tin cans, wood, glass and crockery. (Excluding the recyclables covered in Part 1B).
3. Ashes, the residue from the burning of wood, coal, etc.
4. Noncombustible rubbish, nonputrescible solid wastes, including ashes, metal and similar materials.

(Ord. 857, 8/20/1990, Part I, §7)

§20-108. Refuse Not Acceptable for Collection.

1. Materials or substances, such as poisons, acids, caustics, infected materials and explosives.
2. Materials resulting from the repair, excavation or construction of buildings or structures, such as earth (stones), plaster, mortar and roofing material. (Said re-

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fuse must be removed at the expense of the owners of the property of the contractor doing the work).

3. Materials which have not been prepared for collection in accordance with these regulations.
4. Solid wastes resulting from industrial processes.
5. Broken equipment, broken or discarded furniture or household equipment or metal products not otherwise disposable through the weekly trash pickup.

(Ord. 857, 8/20/1990, Part I, §8; as amended by Ord. 869, 8/19/1991, §1; and by Ord. 890A, 11/18/1991; §1)

§20-109. Refuse Storage.

1. Garbage shall be drained and wrapped in paper and together with tin cans, ashes, bottles, glass, crockery, metal and similar materials shall be stored in durable rust-resisting, nonabsorbent, watertight and easily washable containers, which shall have close-fitting covers and adequate handles or bails to facilitate collection and which shall not be more than four twenty-gallon containers in capacity, nor exceed the weight of 60 pounds per container.
 - A. Garbage shall not be stored outdoors in plastic bags and shall be stored in a secured and nonabsorbent container. Any nondomestic generator of solid waste that places its refuse at the curb line or as would otherwise be easily visible to pedestrian traffic must secure all refuse in a container of metal, plastic, vinyl or similarly durable construction with a secured lid. Any person, firm or corporation who shall fail to secure all of the refuse in such containers shall, upon conviction thereof, be sentenced to pay a fine of not less than \$15 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
 - B. In the event that a plastic bag is found in a ripped or torn condition, it shall be presumed to have contained garbage and the householder shall be liable for the violation of this Part.
2. Bulky Rubbish. Bulky rubbish, such as large cardboard boxes, newspapers and magazines, shall be bundled and not exceed three feet in length or 25 pounds in weight.
3. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the Borough of Ambler, in accordance with the specifications contained in Subsections 1 and 2 of this Section. All refuse not acceptable for ordinary collection as provided in §20-108 above

in this Part shall not accumulate on any public portion of the property but shall remain inside the premises until the time of its lawful disposal at either a bulk collection or in any other proper and lawful manner.

(Ord. 857, 8/20/1990, Part I, §9; as amended by Ord. 869, 8/19/1991, §2; by Ord. 890A, 11/18/1992, §2, by Ord. 931, -/1997; and by Ord. 991, 8/15/2005)

§20-110. Refuse Collection; Places to be Served.

1. The Department shall collect all refuse acceptable for collection, as provided in §20-107, from all single-family dwellings and all multifamily or apartment dwellings not exceeding four family units.
2. The following types of establishments shall not be rendered refuse collection service by the Borough of Ambler:
 - A. Multifamily or apartment dwellings having more than four family units.
 - B. Institutions and industrial establishments.
 - C. Business places.

(Ord. 857, 8/20/1990, Part I, §10; as amended by Ord. 903, 10/11/1993, §1-2; and by Ord. 907, 3/21/1994, §§1-2)

§20-111. Frequency and Place of Collection.

1. Householders shall place receptacles containing garbage and combustible rubbish at the curb or designated place for pickup by the Borough of Ambler not later than 6:00 a.m. on the days scheduled for collection or earlier than 4:30 p.m. on the previous day.
2. Collections shall not be made on the following holidays, unless otherwise specified by the Borough of Ambler:
 - A. New Year's Day.
 - B. Memorial Day.
 - C. Independence Day.
 - D. Labor Day.
 - E. Thanksgiving Day.
 - F. Christmas Day or days celebrated as such.

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3. Containers shall be returned to the household premises by 8:00 p.m. after collection.
4. No commercial (nondomestic) trash containers shall be emptied or collected on Wednesdays.

(Ord. 857, 8/20/1990, Part I, §11; as amended by Ord. 932, 9/1/1997; and by Ord. 979, 6/16/2003, §1)

§20-112. Imposition and Collection of Fee and Charge for Refuse Removal.

The owner of any single-family dwelling, multifamily dwelling or apartment dwelling, not exceeding four family units, shall pay to the Borough of Ambler such sums as are set, from time to time, by Council for each dwelling unit within a structure for refuse collection. Said charge or rental shall be payable quarterly, in advance, at the Borough office, to the Borough Secretary, as billed. The refuse collection fees, charges or rentals shall be paid in advance. A penalty of 1.25% per month (15% annual rate) shall be added to the amount of the bill if payment is not received by the Borough of Ambler within 60 days from the date of the bill. All rental fees and charges and penalties shall be a lien against the property until paid. An annual trash rate of \$300 per year per dwelling unit up to four dwellings.

(Ord. 857, 8/20/1990, Part I, §12; as amended by Ord. 946, 1/3/2000; by Ord. 971, 1/21/2003; and by Ord. 1047, 3/16/2010)

§20-113. Prohibiting Burning of Combustible Materials in Open Fires or Outside Incinerators.

No person, firm, business, or other entity shall cause or allow outdoor burning of any kind. This prohibition includes the burning of any recyclable material as defined by any law or ordinance. Leaf burning is also expressly prohibited. Exceptions to this prohibition include the common and ordinary use of small contained fires such as barbecue grills used safely and in accordance with the relevant sections of the International Fire Code; chimineas used in the same safe manner as grills; and controlled burns conducted by fire companies for purposes of instruction.

(Ord. 857, 8/20/1990, Part I, §13; as amended by Ord. 1049, 10/5/2010)

§20-114. Unlawful to Scatter or Deposit Refuse.

No person in the Borough of Ambler shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway or upon any private property any waste or other material of any kind.

(Ord. 857, 8/20/1990, Part I, §14)

§20-115. Disposition of Refuse Collected.

Any waste to be collected in the Borough, from any source whatsoever, including, but not limited to, residential and/or commercial waste, must be disposed of at the Pottstown landfill, either directly or in accordance with the specific disposal arrangements which have been made by the Authority, for so long as the Pottstown landfill remains the disposal site designated by the Authority and in the event that another facility shall have been designated by the Authority, at that other facility pursuant to the Authority's arrangements.

(Ord. 857, 8/20/1990, Part I, §15)

§20-116. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 857, 8/20/1990, Part I, §16; as amended by Ord. 991, 8/15/2005)

B. Collection and Disposal of Recyclables.

§20-121. Legislative Purpose.

1. The reduction of the amount of Borough waste and conservation of recyclable materials is an important public concern by reason of the growing problem of Borough waste disposal and its impact on the environment.
2. The collection of any three of clear glass, colored glass, aluminum, steel and bi-metallic cans, high-grade office paper, newsprint, corrugated paper and plastics as may be designated by the Borough, from time to time, for recycling from residences and high-grade office paper, aluminum, corrugated paper and leaf waste from commercial and institutional establishments in the Borough will serve the general public interest by reducing the volume of Borough waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste and preserving valuable natural resources and may result in a financial benefit to the residents and taxpayers of the Borough by reason of the income realized from the sale of these recyclable materials and reduced cost of disposal.

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3. This Part has been developed to implement Borough responsibilities under Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988.

(Ord. 857, 8/20/1990, Part II, §2)

§20-122. Purpose and Goals.

It is the purpose of this Part to:

- A. Require waste reduction and recycling as a means of managing Borough waste, conserving resources and supplying energy.
- B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of Borough waste.
- C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.
- D. Establish and implement within the Borough a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at Borough waste processing or disposal facilities.
- E. Recycle at least 25% of all Borough waste and source-separated recyclable materials generated in this Borough on and after January 1, 1997.
- F. The weight or volume of Borough waste generated per capita in this Borough on January 1, 1997, should, to the greatest extent practicable, be less than the weight or volume of Borough waste generated per capita on the effective date of this Part.
- G. Each person living or working in the Borough shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities.
- H. The Borough shall, to the greatest extent practicable, procure and use products and materials with recycled content and procure and use materials that are recyclable.

(Ord. 857, 8/20/1990, Part II, §2)

§20-123. Definitions.

The following words and phrases when used in this Part shall have the meanings given to them in this Section, unless the context clearly indicates otherwise:

ABATEMENT — the restoration, reclamation, recovery, etc., of a natural resource adversely affected by the activity of a person.

BIMETALLIC CONTAINERS — empty food or beverage containers consisting of steel and aluminum.

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

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

CORRUGATED PAPER — structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DISPOSAL — the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

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 and all other material commonly known as glass. Excluded are ceramics, automotive glass, plate glass or heat tempered glass.

HIGH-GRADE 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, day care centers, universities and nursing homes.

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

LOCAL PUBLIC AGENCY –

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- A. Counties, cities, boroughs, towns, townships, school districts and any other authority now in existence or hereafter created or organized by the Commonwealth.
- B. All borough or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or any combination thereof.
- C. Any and all other public bodies, authorities, councils of government, officers, agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.

MULTIFAMILY HOUSING PROPERTIES — any property having more than four dwelling units per structure.

MUNICIPAL RECYCLING PROGRAM — a source separation and collection program for recycling Borough waste or source separated recyclable materials or a program for designated drop-off points or collection centers for recycling Borough waste or source-separated recyclable materials, that is operated by or on behalf of this Borough. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of this Borough. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPAL WASTE — any 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 not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The terms does not include source-separated recyclable materials.

MUNICIPALITY — the Borough of Ambler, Montgomery County, Pennsylvania.

OPERATOR — a person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Part.

PERSON — any individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this Part 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.

PLASTIC BEVERAGE CARRIER — plastic rings or similar plastic connectors used as holding devices in the packaging of beverages including, but not limited

to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

POLLUTION — contamination of any air, water, land or other natural resources of this Borough that will create or is likely to create a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other life.

POST CONSUMER MATERIAL — any product generated by a business or consumer which has served its intended end use and which has been separated or diverted from solid waste for the purposes of collection, recycling and disposition and can be returned to commerce to be reused as a resource in the development of useful products. The term includes industrial byproducts that would otherwise go to disposal or processing facilities. Included are the following:

- A. Clear glass.
- B. Colored glass.
- C. Aluminum.
- D. Steel and bimetallic cans.
- E. High-grade office paper.
- G. Newsprint.
- H. Corrugated paper.
- I. Leaf waste.
- J. Plastics.

The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes.

PROCESSING — any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

PROJECT DEVELOPMENT — those activities required to be conducted prior to constructing a processing or disposal facility that has been shown to be feasible including, but not limited to, public input and participation, siting, procurement and vendor contract negotiations and market and municipal waste supply assurance negotiations.

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PUBLIC AGENCY — any Commonwealth agency or local public agency.

RECYCLED CONTENT — goods, supplies, equipment, materials and printing containing post consumer materials.

RECYCLING — the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING CONTAINERS — a three tiered, stackable container with interlocking capability.

RECYCLING FACILITY — a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term “recycling facility” shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

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 shall not include coal refuse as defined in the Act of September 24, 1968, (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 198, No. 394) known as the Clean Streams Law.

SOLID WASTE — any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

SOURCE-SEPARATED RECYCLABLE MATERIALS — materials that are separated from municipal waste at the point of origin for the purpose of recycling.

STEEL CONTAINERS — empty steel or tin-coated steel food or beverage containers.

STORAGE — the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION — the off-site removal of any municipal waste at any time after generation.

WASTE REDUCTION — design, manufacture or use of a product to minimize weight of municipal waste that requires processing or disposal including, but not limited to:

- A. Design or manufacturing activities which minimize the weight or volume of materials contained in a product or increase durability or recyclability.
- B. Use of products that contain as little material as possible are capable of being reused or recycled or have an extended useful life.

(Ord. 857, 8/20/1990, Part II, §3)

§20-124. Establishment of Program/Grant of Power.

The Borough hereby establishes a recycling program for the mandatory separation and collection of the currently recyclable Borough waste from all residences, businesses or institutions in Ambler for which waste collection is provided by the Borough or any other collector. Collection of the materials to be recycled shall be made periodically by the Borough, their designated agent or any other licensed waste collectors operating in Ambler in the removal of commercial waste. This Part is ordained pursuant to §1201(11) of the Borough Code (P.L. 1656, No. 81, February 1, 1966, as amended).

(Ord. 857, 8/20/1990, Part II, §4)

§20-125. Establishment of Collection Guidelines.

The Borough Manager is hereby authorized and empowered to establish guidelines on the manner, days and times of collections of recyclable materials and the bundling, handling, location and time of placement of such materials for collection to the extent not already provided for in Subpart A of this Part.

(Ord. 857, 8/20/1990, Part II, §5)

§20-126. Separation and Collection.

1. All persons who are residents of the Borough shall separate all Borough waste to be recycled from all other Borough waste 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 for nonrecyclable refuse in Subpart A, but to be placed in the recyclable containers provided by the Borough in the first instance.

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- A. An owner, landlord or agent of an owner or landlord of a multifamily rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include use of 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 system. Owners, landlords and agents of owners or landlords who comply with this Section shall not be liable for noncompliance of occupants of their buildings.
2. All persons must separate leaf waste from other Borough waste generated at their houses, apartments and other residential establishments for collection, unless those persons have otherwise provided for composting of leaf waste.
3. Persons must separate high-grade office paper, aluminum, corrugated paper and leaf waste generated at commercial, Borough or institutional establishments and from community activities and to store the material until collection by their contract hauler. A person may be exempted from this subsection if the person submits documentation to the Borough annually indicating that designated recyclable materials are being recycled in an appropriate manner.
4. Recycling containers shall be provided at all community events attended by 200 or more people. The disposal of recyclable materials collected at such events shall be in accordance with this Part.

(Ord. 857, 8/20/1990, Part II, §6; as amended by Ord. 1049, 10/5/2010)

§20-127. Ownership of Recyclable Materials.

All Borough waste to be recycled placed by the resident for collection by the Borough pursuant to this Part and regulations hereunder shall, from time of pickup, become the property of the collecting contractor, except as otherwise provided by §20-129 of this Part.

(Ord. 857, 8/20/1990, Part II, §7)

§20-128. Collection Prohibited.

It shall be a violation of this Part for any person, firm or corporation, other than the Borough or one authorized by the Borough Council, to collect Borough waste to be recycled, placed by a resident for collection by the Borough, unless such person, firm or corporation has prior written permission to make such collection as set forth in §20-129 of this Part. 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.

(Ord. 857, 8/20/1990, Part II, §8)

§20-129. Other Means of Disposal.

Any resident may donate or sell Borough waste to be recycled to any person, firm or corporation, whether operating for profit or not; provided, that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence without prior written permission from the Borough Council to make such collection.

(Ord. 857, 8/20/1990, Part II, §9)

§20-130. Enforcement.

1. Any person, firm or corporation who shall violate the provisions of §§20-126 and 20-129 shall receive an official written warning of noncompliance for the first and second offense. Thereafter all such violation shall be subject to the penalties hereinafter provided.
2. Except as hereinafter provide, any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
3. The Borough reserves the right not to collect Borough waste containing recyclable materials in combination with nonrecyclable materials, nor not rinsed or otherwise prepared in accordance with a Borough regulation covering the same and such goods may be treated as rejected goods.

(Ord. 857, 8/20/1990, Part II, §10; as amended by Ord. 991, 8/15/2005)

§20-131. Reporting.

All disposers of Borough recyclable material shall report the weight or volume of materials so disposed to the Borough two times per year, once by August 1 and once by February 1st of the following year or more frequently as provided in Borough regulations.

(Ord. 857, 8/20/1990, Part II, §11)

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§20-132. Modifications.

The Borough Council may, from time to time, modify, add to or remove from the standards and regulations herein.

(Ord. 857, 8/20/1990, Part II, §13)

§20-133. Effective Date.

This Part shall take effect and be in force from and after its approval or as required by law, except that the recycling portion or Subpart B shall be deemed effective at the earliest, May 15, 1991.

(Ord. 857, 8/20/1990, Part II, §14)

C. Leaf Waste.

§20-141. Handling of Leaf Waste.

1. Ambler Borough hereby authorizes establishment of a program for curbside collection of leaf waste at least once during the spring and at least once during the fall of each year. In addition thereto, the leaf waste collection program shall be augmented by designation by Ambler of a DEP-permitted, dropoff compost facility for residents of the Borough to utilize as needed, which facility must be open at least once per month for collection of leaf waste generated between scheduled collections.
2. Leaf waste collection shall be conducted by the Borough or authorized private municipal waste collectors in accordance with regulations of DEP. All leaf waste shall be disposed of in a DEP-permitted compost facility in accordance with all applicable state guidelines.
3. All private municipal waste collectors shall provide the Borough and the Northern Montgomery County Recycling Commission (NMCRC) with the name and address of the facility(ies) where the leaf waste will be disposed and report the quantity in tons or cubic yards. Leaf waste shall not be commingled with any other municipal solid waste. The disposal of leaf waste at a sanitary landfill, waste-to-energy facility or any other facility which is not a DEP-permitted composting facility is strictly prohibited.
4. The methodology for separating and collecting leaf waste shall be established and implemented by the Municipality and imposed upon participating private waste collectors. The leaf waste collection guidelines set forth in this Subpart C are intended to be general in nature. The actual leaf waste collection and education program shall be established in more detail by the Municipality pursuant to resolution and is subject to modification, as needed from time to time, provided any

modifications to the program comply with this Subpart C and the most recent regulations of DEP.

5. Leaf waste shall not be left at curbside more than 24 hours prior to collection and shall not be left in a form which obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

(Ord. 1042, 7/21/2009)

§20-142. Enforcement and Penalties.

1. Any person or entity violating the provisions of this Subpart C pertaining to the separation of recyclable materials and leaf waste, collected within the boundaries of the Borough, including commingling of recyclable materials and leaf waste with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested, from the NMCRC Solicitor and/or from the Solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Subpart C pertaining to the separation of recyclable materials and leaf waste collected within the boundaries of the Borough shall be subject to a criminal fine up to the maximum as it then exists at law for summary offenses, per violation, plus damages (restitution), court costs and reasonable attorney's fees. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the Borough before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
2. No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein with written notice for the first offense and also provide the NMCRC and the Borough with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials and leaf waste from a person or entity who or which has previously been notified by the NMCRC, Borough and/or a Borough-contracted waste collector of noncompliance shall receive an official warning from the Borough and/or NMCRC for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine in accordance with the foregoing language regarding summary offenses. Enforcement of any such violation shall be by action commenced by the NMCRC and/or the Borough before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
3. Any person or entity who shall violate any provision of this Subpart C not covered in Subsection 1 or 2 above shall receive an official written warning sent certified

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mail, return receipt requested, from the NMCRC Solicitor and/or from the Solicitor for the Borough. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Subpart C not otherwise covered in Subsection 1 or 2 shall, upon conviction, be subject to a criminal fine in accordance with the foregoing language regarding summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the Borough before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this Subpart continues shall constitute a separate offense punishable by a like fine or penalty.

4. The NMCRC is authorized to establish, through its rules and regulations, procedures through which violations of this Subpart and of the NMCRC's rules and regulations themselves may be determined and administrative sanctions therefor, including but not limited to imposition of monetary penalties.
5. Nothing in this Section shall be construed to limit the NMCRC's remedies, which shall include but not be limited to the filing of actions at law or in equity seeking damages and/or injunctive relief.

(Ord. 1042, 7/21/2009)

PART 2

MUNICIPAL WASTE COLLECTION AND RECYCLING

§20-201. Title.

This Part shall be known as the "Municipal Waste Collection and Recycling Ordinance."

(Ord. 1006, 5/21/2007)

§20-202. Definitions and Word Usage.

1. As used in this Part, the following terms shall have the meanings indicated:

ACT 97 — the Solid Waste Management Act of 1980.

ACT 101 — the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

ALUMINUM — empty, all-aluminum beverage and food containers, commonly known as "aluminum cans."

BIMETAL CANS — empty food or beverage containers constructed of a mixture of ferrous metal, usually steel, and nonferrous metal, usually tin.

BULK ITEMS — any large durable goods such as refrigerators, washing machines, window air conditioners, hot-water heaters, dishwashers and any other major home appliances in addition to other large bulk items such as dressers, beds, mattresses, sofas, television sets and other large household items.

BUSINESS(ES) — the legal owner, occupant or lessee of a commercial, industrial or cooperative enterprise, firm, partnership, corporation, association, institution, trust or governmental entity that engages in any form of business or governmental operations.

CORRUGATED PAPER — paper products made of a stiff, moderately thick paper board, containing folds or alternating ridges, commonly known as "cardboard."

DEP — the Pennsylvania Department of Environmental Protection.

GLASS — products made from silica or sand, soda ash and limestone. The product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

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GRASS CLIPPINGS — the material bagged or raked during or after cutting of a lawn, field or similar grassed area.

HIGH-GRADE OFFICE PAPER — all types of high-grade, white or colored paper, bond paper and computer paper used in commercial, institutional, business, office and municipal establishments.

HOUSEHOLD HAZARDOUS WASTE — small quantities of hazardous waste (as defined in the Solid Waste Management Act) available to a person or entity on a retail basis, such as pesticides, certain paints, paint thinners and solvents, cleaning agents and automotive products.

IMA — the intermunicipal agreement adopted by the municipalities that are members of the Northern Montgomery County Recycling Commission.³

LANDLORD(S) — any individual or organizational owner who rents and/or leases residential units, commercial space or an industrial complex(es). Landlords own the properties in question and deal directly with their tenants or lessees.

LEAF WASTE — leaves, garden residues, shrubbery and tree trimmings and similar material, but does not include grass clippings.

MAGAZINES AND PERIODICALS — printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.

MIXED PAPER — all types of paper combinations, such as colored paper, carbonless forms, ledger paper, colored paper envelopes, mixtures of high-grade office paper and the like.

MUNICIPALITY — the Borough of Ambler.

MUNICIPAL WASTE — any municipal waste as defined by Section 103 of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 et seq., and Section 103 of Act 105, and any rules and regulations promulgated thereunder.

MUNICIPAL WASTE COLLECTOR(S) — any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials in the NMCRC. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

³ Editor's Note: The intermunicipal agreement is attached to Ord. 1006 and on file in the office of the Borough Secretary.

NEWSPAPER — paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

NORTHERN MONTGOMERY COUNTY RECYCLING COMMISSION ("NMCRC") — the legal entity established by and operating as agent for the municipalities hereunder who have delegated certain of their duties and powers respecting recycling, including but not limited to the development, implementation and enforcement of common recycling programs. Presently the NMCRC is comprised of Ambler Borough, Franconia Township, Hatfield Township, Hatfield Borough, Lower Gwynedd Township, Lower Salford Township, Montgomery Township, North Wales Borough, Souderton Borough, Telford Borough and Towamencin Township and shall be deemed to include all new member municipalities and excepting member municipalities who have completed the withdrawal process.

PARTICIPATING MUNICIPALITIES — those municipalities which have executed the intermunicipal agreement (IMA).

PERSON or ENTITY — any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal institution or agency, state institution or agency (including but not limited to the Department of General Services and the Public School Building Authority), other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

PLAN or COUNTY PLAN — the latest revision of the countywide municipal waste management plan adopted by the County and approved by DEP, as such may hereinafter be supplemented, revised, amended or modified in compliance with the law.

PLASTIC CONTAINERS — empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

RECYCLABLE MATERIALS — materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to glass (clear, brown or green), aluminum, steel and bimetal cans, high-grade office paper, mixed paper, newspaper (including newspaper inserts, junk mail and telephone books), corrugated paper, magazines and other periodicals, plastic containers and other materials as may be designated from time as recyclable materials.

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RECYCLING COLLECTOR — a municipal waste collector engaged in the collection, removal, transportation or hauling of recyclable materials.

RECYCLING PROCESSORS — entities which receive recyclable materials, separate recyclable materials from nonrecyclable residue and market the separated recyclable materials for reuse or remanufacture.

RENTAL AGENT(S)/PROPERTY MANAGERS — any individual or organization who or which assumes the owner's responsibility in renting and/or leasing residential units, commercial space or industrial complexes. Agents do not own the properties in question but deal directly with tenants or lessees on behalf of the owner(s).

RESIDENT(S) — the legal owner, occupant or lessee of a single-family residential unit in a municipality served by curbside collection of municipal wastes and/or recyclables or owner, occupant or lessee of any other type of multifamily residential unit, including but not limited to townhomes, duplexes, condominiums and apartments, whose multifamily unit has curbside collection of municipal waste and/or recyclables. Also classified as a resident will be any business professional who operates a profession from his/her personal residence.

YARD WASTE — twigs, shrub trimmings, small branches and like vegetative matter.

2. All terms not separately defined in this Part that are contained in Act 97 and Act 101 are incorporated herein by reference.

(Ord. 1006, 5/21/2007)

§20-203. Legislative Intent.

1. 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 detrimental impact on the environment. It is the intent of this Part to require, promote and regulate recycling activities in the municipality and to protect the health, safety and welfare of residents.
2. This Part has been developed to meet and implement municipal responsibilities established under Act 101.
3. It is the intent of this Part to promote intergovernmental cooperation in recycling activities by and among the municipalities comprising the NMCRC. Such cooperation is intended to more efficiently conduct recycling programs and to reduce costs.
4. The municipality's adoption of this Part anticipates the assignment of certain of its duties and powers under Act 101 to the NMCRC with respect to recycling ac-

tivities and enforcement against violations of this Part. Such assignment of duties and powers will be accomplished in accordance with Section 304(c) of Act 101 and as set forth in this Part and in the intermunicipal agreement adopted by the member municipalities of the NMCRC. Duties and powers not assigned by the intermunicipal agreement or subsequent agreement shall remain with the municipality.

(Ord. 1006, 5/21/2007)

§20-204. Program Authority of NMCRC.

1. The NMCRC is authorized to carry out a recycling program on behalf of the member municipalities in accordance with the terms and conditions of the IMA.
2. In accordance with the responsibilities in this Part, the NMCRC is authorized to establish, by resolution, rules and regulations related to the administration of the recycling program and to administer and enforce against violations of all such rules and regulations. The NMCRC shall determine the recyclable materials to be separated by residents, noncurbside residents and businesses and collected by municipal waste collectors; however, this designation may be changed by the NMCRC from time to time. The municipality may require additional materials to be recycled, in which event such additional materials shall be deposited at dropoff centers designated by the municipality, and the municipal waste collector will not be responsible for collecting such materials. Any additional requirements imposed by the municipality shall be consistent with and not interfere with the recycling program developed and implemented by the NMCRC. All commercial, industrial and institutional establishments shall also be required to separate the materials designated by the NMCRC for recycling.
3. In accordance with Section 1501(c)(1)(iii) of Act 101, the NMCRC shall be authorized to exempt persons occupying commercial, institutional and industrial establishments from the requirements of this Part if they have otherwise provided for the recycling of materials designated by this Part and any subsequent resolutions. To be eligible for this exemption, the commercial, industrial or institutional waste generator must provide, on a annual basis, written documentation to the municipality and the NMCRC of the total quantity of each material recycled, in the form and by the Act as provided for in the NMCRC's rules and regulations. Exemptions shall be handled administratively by the NMCRC.

(Ord. 1006, 5/21/2007)

§20-205. Responsibilities of Generator.

1. Each person or entity who or which generates municipal waste in the NMCRC shall be responsible for complying with the requirements of this Part for the sepa-

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ration of recyclable materials as required by Act 101 as implemented by the NMCRC. This shall include tenants and lessees occupying leased properties.

2. Owners, landlords or rental agents of any leased property, other than a single-family-occupied property, shall be responsible for publicly posting educational information provided by the NMCRC, municipality and/or municipal waste collectors; provide appropriate recyclable material collection containers and providing for pickup of such containers in accordance with this Part. Owners, landlords or rental agents of a single-family-occupied property may assign such responsibility to the tenant or lessee occupying the property through a lease or rental agreement or other written assignment.
3. Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law as implemented by the Montgomery County Waste System Authority.
4. All occupants of single-family homes, including townhomes and row homes where individual municipal waste collection occurs, shall maintain a separate container of the type specified or provided by the NMCRC or municipal waste collector to collect all designated recyclable materials in a commingled or modified commingled (e.g., different materials separated into paper bags and placed in the container) fashion, as established by the municipal waste collector, subject to the rules and regulations of the NMCRC. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at 6:00 p.m. of the evening prior to the day of scheduled collection, and the empty container shall be removed by 11:59 p.m. on the day of scheduled collection. Enforcement of container rules for placement at curbside shall be the responsibility of the municipality. Newspapers may also be placed in paper bags (no plastic bags) or bundled and tied, both across and lengthwise, with rope or cord, and kept dry prior to collection and placed at curbside with the recycling container. No such municipal waste containers or recyclable material containers, including bundles of newspapers (other than containers supplied by municipal waste collectors), shall weigh more than 50 pounds.
5. Owners or landlords of any multifamily residential units where individual residential refuse collection does not occur shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector, and source-separated or commingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations, and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multifamily residential units who comply with the requirements of this subsection shall not be liable for the noncompliance of any persons or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multifamily residential units shall be responsible for separating recy-

clable materials and placing them in the containers or dumpsters provided for such purposes.

6. Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements outlined in §20-205.5, unless exempted under §20-204B of this Part or unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property.

(Ord. 1006, 5/21/2007)

§20-206. Materials to be Recycled.

1. All homes, apartments and other residential establishments shall be required to separate and recycle the following: clear glass, colored glass, newsprint (including newspaper inserts, junk mail and telephone books), aluminum cans, steel cans, bimetallic cans, No. 1 PET plastics and No. 2 HDPE plastics.
2. Commercial establishments will be required to separate and recycle the following: corrugated paper, high-grade office paper, aluminum cans and yard waste.
3. Hospitality establishments which include restaurants and taverns, shall be required to separate and recycle the following: cardboard, office paper, newspaper (including newspaper inserts, junk mail and telephone books), aluminum cans, steel cans, bimetallic cans, No. 1 PET plastics and No. 2 HDPE plastics.

(Ord. 1006, 5/21/2007)

§20-207. Responsibilities of Municipal Waste Collectors.

1. Reporting and Recordkeeping Requirements.
 - A. Unless specifically provided otherwise in the NMCRC's rules and regulations, all municipal waste collectors shall deliver or send, at least every six months, an information sheet that names the materials which are to be recycled.
 - B. Municipal waste collectors shall be responsible for obtaining weight and volume data on all municipal waste and recyclable materials collected by them in each municipality that is a member of the NMCRC. Said data shall be supplied to the NMCRC on an annual basis by January 15 for the preceding year. Such report shall include the name of the market or processor where recyclable materials are delivered and shall be signed by an officer of the municipal waste collector.
 - C. Municipal waste collectors shall maintain records of their collection, removal, transportation and hauling activities for each municipality and make

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them available for inspection by the NMCRC, in accordance with the rules and regulations of the NMCRC.

2. Collection, Processing, Marketing and Reporting Requirements.
 - A. Each municipal waste collector operating in the municipality shall be responsible for complying with the requirements of this Part and the NMCRC's rules and regulations for the collection, processing and marketing of recyclable materials.
 - B. The municipal waste collector shall, in providing refuse collection and disposal services, also provide for the collection of recyclable materials. Unless specifically provided otherwise in the NMCRC's rules and regulations, where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection. Customers using once a month municipal waste collection must have recyclable materials collected at least once a month.
 - C. A municipal waste collector shall not be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.
 - D. The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials or the delivery of recyclable materials to a recycling processor. Such activities may be conducted by the municipal waste collector or any agent thereof or a private entity conducting such business, a nonprofit entity able to undertake such effort or any governmentally owned or operated facility capable of such functions.
 - E. The municipal waste collector shall, prior to initiating processing and marketing activities, provide the NMCRC with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.
 - F. All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the municipality. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the commingled recyclable materials shall also be provided. Written reports shall be provided to the NMCRC on reporting forms provided by the NMCRC and shall include the name and location of the processing center and/or recyclable materials dealer and shall be submitted in accordance with the time schedules established in this Part.

- G. Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation must be provided to the NMCRC by January 31 of each year for materials collected in the preceding calendar year of the total quantity of leaf waste collected. The collector has the option of reporting tonnage either in compacted or uncompacted cubic yards.
- H. Municipal waste collectors shall not collect refuse, recyclable materials or any other wastes between the hours of 8:00 p.m. and 6:00 a.m. Eastern standard time nor, when applicable, between 8:00 p.m. and 6:00 a.m. daylight saving time. Failure to comply with this provision shall subject a municipal waste collector to the enforcement by the individual municipality.

(Ord. 1006, 5/21/2007)

§20-208. Assignment of Program Responsibilities; Intergovernmental Cooperation.

- 1. The municipality recognizes that intergovernmental cooperation among the municipalities comprising the membership of the NMCRC will be of benefit to the municipality by more efficiently conducting recycling program activities. Intergovernmental cooperation efforts will include, but are not limited to, the following:
 - A. Ongoing determination of the list of recyclable materials for the NMCRC municipalities.
 - B. Development and implementation of joint education programs, including the placement of newspaper ads, website pages and other appropriate media.
 - C. Preparation of information for municipality newsletters.
 - D. Development and implementation of reporting forms and grant applications and the filing of such forms and applications with the appropriate agencies.
 - E. Preparation of informational sheets for municipal waste collectors.
 - F. Promulgation of rules and regulations pertaining to the recycling program.
 - G. Authorization for the NMCRC Solicitor to seek enforcement against violations of this Part as specified herein.
- 2. Intermunicipal Agreement.
 - A. In order to implement the intent and terms of this Part, the municipality, pursuant to the authority of the Intergovernmental Cooperation Act, Act of

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July 12, 1972, codified at 53 P.S. §§481 through 490, and Article 9, §5, of the Constitution of the Commonwealth of Pennsylvania, has determined to enter into an intermunicipal agreement ("IMA") between the municipalities comprising the NMCRC.⁴

- B. Terms and Implementation of IMA. The terms and implementation of the IMA shall be as more fully set forth in the IMA and this Part, as follows:
- (1) The NMCRC shall develop, implement and maintain a recycling program for the municipalities comprising the NMCRC.
 - (2) The participating municipalities shall certify that they have enacted a municipal recycling ordinance in a form substantially similar to this Part by providing an executed and attested copy of the ordinance to the NMCRC Solicitor.
 - (3) The NMCRC shall be authorized to promulgate rules and regulations and administer and enforce those rules and regulations as desired or to delegate such enforcement to the member municipalities.
 - (4) The NMCRC shall be authorized to enforce the IMA and select municipal ordinances enacted pursuant to the IMA.
 - (5) The purpose of the IMA is to provide a uniform recycling program for the municipalities comprising the membership of the NMCRC and to minimize duplicative efforts by the member municipalities.
- C. Findings under Intergovernmental Cooperation Act. As required by the Intergovernmental Cooperation Act of July 12, 1972, P.L. 762, No. 180, as amended, the following matters are specifically found and determined:
- (1) The conditions of agreement are set forth in the IMA.
 - (2) The duration of the term of the IMA is set forth in §§913 and 914 of the IMA.
 - (3) The purpose of the IMA is to cooperate with the NMCRC and other participating municipalities in developing, implementing and maintaining a recycling program.
 - (4) The organizational structure necessary to implement the agreement is set forth in the IMA, with which the member municipalities shall cooperate.

⁴ Editor's Note: The intermunicipal agreement is attached to Ord. 1006 and on file in the office of the Borough Secretary.

- (5) The manner in which property, real or personal, shall be acquired, managed, licensed or disposed of is by way of lease or other contract unless otherwise set forth in the IMA.

(Ord. 1006, 5/21/2007)

§20-209. Ownership of Recyclable Materials and Municipal Waste.

1. All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in §20-211 of this Part.
2. It shall be a violation of this Part for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in §20-211 of this Part. Each unauthorized collection from one or more designated locations on one calendar day, in violation hereof, shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 1006, 5/21/2007)

§20-210. Alternate Recycling Activities.

1. Any person, volunteer organization or other entity may utilize alternative methods, other than collection by a municipal waste collector, to accomplish the purpose of reutilizing recyclable materials. Any such person, volunteer organization or other entity shall register such programs with the NMCRC recycling consultant and the municipality where the recycling activity shall take place. All recyclable materials tonnage data shall be collected and reported to the NMCRC recycling consultant in accordance with all applicable procedures for the reporting of such information.
2. The NMCRC is authorized to permit an alternate recycling program to be developed in accordance with Paragraph 1501(h) of Act 101 if the requirements of that paragraph can be complied with. The NMCRC shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide annual written documentation to the NMCRC of the total quantity of each material recycled.

(Ord. 1006, 5/21/2007)

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§20-211. Handling of Leaf Waste.

1. Each municipal waste collector shall provide leaf waste collection service during the fall of each year.
2. Leaf waste collection shall be conducted by municipal waste collectors in accordance with regulations of DEP and leaf waste disposal shall be in a DEP-certified facility in accordance with all applicable state guidelines.
3. All municipal waste collectors shall provide the NMCRC with the name and address of the facility(ies) where the leaf waste will be disposed. Leaf waste shall not be commingled with any other municipal solid waste. The disposal of noncomposted leaf waste at a sanitary landfill or waste-to-energy facility is strictly prohibited.
4. The methodology for separating and collecting leaf waste shall be established by the municipal waste collectors and subject to approval by the NMCRC and municipality. All municipal waste collectors shall provide the NMCRC with a leaf waste collection/disposal plan providing information regarding their expected leaf waste collection and disposal service to their customers on or before June 30 of each year prior to distribution to customers. The NMCRC and/or municipality shall have 60 days to provide comment or the information shall be deemed approved for distribution to customers. Leaf waste shall not be left at curbside more than 24 hours prior to collection and shall not be left in a form that obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

(Ord. 1006, 5/21/2007)

§20-212. Enforcement and Penalties.

1. Any person or entity violating the provisions of this Part pertaining to the separation of recyclable materials, within the boundaries of any municipality which is a member of the NMCRC, including commingling of recyclable materials with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested, from the NMCRC Solicitor and/or from the Solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Part pertaining to the separation of recyclable materials within the boundaries of any municipality which is a member of the NMCRC shall be subject to a criminal fine not to exceed \$2,500 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the municipality in which the alleged violation occurred before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

2. Any person or entity who shall violate any provision of this Part not covered in Subsection 1 above shall, upon conviction, be subject to a criminal fine not to exceed \$1,000 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or appropriate member municipality before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this Part continues shall constitute a separate offense punishable by a like fine or penalty.
3. No municipal waste collector shall knowingly collect municipal waste which contains unsegregated recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein regarding the separation of recyclable materials with written notice for the first offense and also provide the NMCRC and the member municipality with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials or leaf waste from a person or entity who or which has previously been notified by the NMCRC, municipality and/or a municipal waste collector of non-compliance shall receive an official warning from the member municipality and/or NMCRC for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine of not less than \$1,000 and not more than \$5,000, plus damages and costs of prosecution of each and every offense, or, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days.
4. The NMCRC is authorized to establish, through its rules and regulations, procedures through which violations of this Part and of the NMCRC's rules and regulations themselves may be determined and administrative sanctions therefor, including but not limited to imposition of monetary penalties.
5. Nothing in this Section shall be construed to limit the NMCRC's remedies, which shall include but not be limited to including the filing of actions at law or in equity seeking damages and/or injunctive relief.

(Ord. 1006, 5/21/2007)

§20-213. Authorization to Execute IMA.

The Borough Council hereby authorizes the President of Borough Council to execute that certain intergovernmental agreement attached hereto as Exhibit "A" between all the municipalities comprising the membership of the Northern Montgomery County Re-

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cycling Commission, which IMA sets forth the procedures and administration of the NMCRC.⁵

(Ord. 1006, 5/21/2007)

⁵ Editor's Note: The intermunicipal agreement is attached to Ord. 1006 and on file in the office of the Borough Secretary.