

## CODE OF THE BOROUGH OF NORTHUMBERLAND

# CHAPTER 59 – WASTE MANAGEMENT

[HISTORY: Adopted by the Council of the Borough of Northumberland 6-7-83 as Ordinance No. 384.  
Amendments noted where applicable.]

General References - Property Maintenance see Chapter 42.

Refuse upon streets see Chapter 50, Article V.

## ARTICLE I – TITLE

### 59.1 Title (59-1)

This chapter shall be known as the "Northumberland Municipal Waste Management Ordinance".

## ARTICLE II - DEFINITIONS

### 59.2 Definitions (59-2)

As used in this chapter, the following terms shall have the meanings indicated:

**Applicant** A person applying for a license as a collector.

**Borough** The Borough of Northumberland, Northumberland County, Pennsylvania.

**Collector** A person licensed by the borough to collect, transport and dispose of municipal waste.

**Disposal** Incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the municipal waste or a constituent of municipal waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

**Disposable Area** Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

**Garbage** All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**Glass Containers** All products made from silica or sand, soda, ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as "glass." excluding, however, blue and flat glass and glass commonly known as "window glass."

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

**Municipal Waste** Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, except farm-produced manure and other agricultural waste and food-processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

**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

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matters of public interest. Magazines and periodicals as well as all other paper products of any nature are not considered "newspaper.

**Person** Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**Recyclables** Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper bags), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper and paper products not chemically coated.

**Refuse** Garbage, rubbish and trade waste.

**Storage** The containment of any 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 waste in excess of one (1) 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.

## ARTICLE III – DUMPING

### **59.3.01 Deposit upon ground or underground restricted. (59-3)**

It shall be unlawful for any person to store, dump, discard or deposit, or permit the storage, dumping, discarding or depositing of, any municipal waste upon the surface of the ground or underground within the jurisdictional limits of this borough, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers.

### **59.3.02 Deposit in streams or bodies of water prohibited. (59-4)**

It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of this borough.

### **59.3.03 Transport of waste by non-collectors. (59-5)**

Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of transporting municipal waste in any stream or body of water within the jurisdictional limits regular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

### **59.3.04 Farm activities. (59-6)**

Nothing contained in this chapter shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural wastes.

## ARTICLE IV – COLLECTION AUTHORIZATION

### **59.4.01 Unauthorized collection prohibited. (59-7)**

It shall be unlawful for any person, except those duly authorized by the borough, to collect, transport and dispose of municipal waste of any nature within or from the borough.

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### **59.4.02 Authorization to collect own municipal waste. (59-8)**

Persons who collect, transport and dispose of their own municipal waste are hereby authorized to do so, provided that they comply with all relevant provisions of this chapter.

### **59.4.03 Municipal waste collection license. (59-9)**

Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the borough through the issuance of a municipal waste collection license (hereinafter called "license"). All applications for licensing shall be reviewed by the borough and shall be approved in accordance with the following criteria:

- A. Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this chapter.
- B. Applicants for a license shall furnish the following information:
  1. The number of vehicles, the make, model, Pennsylvania license plate number and size of each vehicle to be used for collection and hauling.
  2. The location, address, hours of business, and telephone number of the business office to receive calls from persons in the borough who receive collection service.
  3. A schedule of the fees to be charged for the collection and disposal of municipal waste from places within the borough. Such schedule shall include the charges for the number of containers and frequency of collections for residential properties, charges for various sizes of special bulk containers used on commercial properties and charges for the collection and disposal of refuse materials which are not part of the normal household municipal waste.
  4. A certificate of the applicant's workmen's compensation insurance as required by law.
  5. A certificate of insurance coverage for the applicant providing complete third-party comprehensive, bodily injury and property damage, and liability insurance, the limits of which shall not be less than one hundred thousand/three hundred thousand dollars (\$100,000./ \$300,000.) for bodily injury and fifty thousand dollars (\$50,000.) for property damage.
  6. In addition to the above, the applicant shall furnish all other information which the borough may request and deem necessary prior to the issuance of a license.
- C. Licenses shall be issued on a calendar-year basis, but may be revoked or rescinded by the borough in accordance with the following:
  1. The borough may revoke the license immediately in the event that the collector violates or fails to comply with any of the terms of this chapter.
  2. The borough may rescind the license should the borough decide to provide for the collection and disposal of municipal waste by some method other than the licensing procedure established by this chapter. Such rescission shall occur ninety (90) days after the borough sends written notice thereof to the collector.
- D. Conditions relating to licenses.
  1. A license shall be issued for only one (1) year on a calendar-year basis. The annual fee for such license shall be set by Resolution for each vehicle used within the borough in the collection, transportation and disposal of municipal waste. The license fee is not refundable and shall not be prorated. The fee shall be submitted with the application for such license. Payment shall be made by check or money order only, payable to the "Borough of Northumberland". **[As passed**

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**12/18/2001, as part of Ordinance 2001-13, all fees for this and subsequent parts of borough code are determined by council resolution].**

2. The collector shall not use more vehicles for the collection, transportation and disposal of municipal waste within the borough than the number of vehicles listed on the application and approved on the license issued. Any increase in the number of listed vehicles as reported in the application shall be reported by the collector to the borough at least five (5) days prior to the date that such increased number of vehicles are to be used and the appropriate fee therefor paid to the borough as provided for herein. The use of a temporary replacement vehicle by reason of the withdrawal of a vehicle from service for scheduled or unscheduled maintenance shall be reported to the borough immediately by the collector.
3. Form of license [Amended 1/3/2006 by Ordinance 2006-2]
  - a) The Borough shall provide the collector with a form of license for each vehicle to be used for collection and hauling. The license will identify the collector as an authorized waste hauler, and the vehicle being licensed. The license shall be carried in the vehicle and provided if proof of authorization is requested.
  - b) The Collector shall display on each side of the body of each vehicle, preferably on the doors, the name of the firm and the telephone number of the firm's office or headquarters in letters and numbers no less than three inches in height and clearly legible.
  - c) Any vehicle used by the collector in the borough to collect, transport and dispose of municipal waste shall be in compliance with Subsections D (3) (a) and D (3) (b) above within ten (10) days after a license is issued.
4. The collector shall maintain each vehicle used to collect, transport and dispose of municipal waste in the borough in good operating condition so as to assure that the collector's schedule of collections can be maintained. The collector shall keep each vehicle clean and painted so as to present a favorable appearance.
5. The borough shall have the right to inspect all vehicles prior to the issuance of a license and during the period that the license is in effect.
6. The collector shall be responsible for the manner in which the collector's employees perform work in connection with the collection, transportation and disposal of municipal waste under the terms of this chapter.
7. The collector shall pay all costs to be charged for the use of the disposal system and facilities.
8. The collector shall not alter, change or revise the schedule of fees for collection submitted to the borough without giving the borough a copy thereof at least sixty (60) days prior to the date that such proposed alterations, changes or revisions are to be made.
9. The borough shall have the right to designate the disposal facilities that a collector shall use for the disposal of municipal waste collected within the borough.
  - a) A collector shall use the disposal facilities designated by the borough no later than ninety (90) days after the borough sends written notice thereof to the collector.
  - b) Should a collector revise the schedule of fees submitted to the borough by reason of the borough's designation of disposal facilities as noted above, the collector need only give the borough a copy thereof thirty (30) days prior to the date that the proposed revision is to be made.
10. A license may not and shall not, in any manner whatsoever, be sold, assigned, leased, transferred, conveyed or otherwise disposed of by a collector.

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### ARTICLE V – PREPARATION AND STORAGE

#### **59.5.01 Prevention of health and safety hazards required. (59-10)**

The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance.

#### **59.5.02 Storage in containers required. (59-11)**

Any person accumulating or storing municipal waste on private or public property in the borough for any purpose whatsoever, including waste being stored temporarily for door-to-door collection, shall place the same or cause the same to be placed in sanitary closed or covered containers in accordance with the following standards, except as otherwise provided in Section 5.03 (59-12) of this Article V:

- A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction; rust- and corrosion resistant; equipped with lids; waterproof and leakproof; and, except in the case of bulk containers, shall not exceed twenty (20) gallons in capacity. Plastic trash bags, if not punctured, may be used to store municipal waste.
- B. A sufficient number of containers shall be provided to contain all municipal waste materials generated during periods between regularly scheduled collections that are required to be placed in containers.

#### **59.5.03 Preparation for collection. (59-12)**

Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:

- A. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers previously described, and all ashes shall be free of any burning material before being deposited for collection. Placement of plastic bags, if not punctured, is acceptable.
- B. Tree, brush, hedge and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six (6) feet and shall be bound securely in bundles not to exceed forty (40) pounds in weight before being placed for collection.
- C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six (6) feet in length and forty (40) pounds in weight before being deposited for collection.
- D. No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.
- E. Municipal waste of a highly flammable or explosive nature or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the borough.

#### **59.5.04 Bulk containers. (59-13)**

To facilitate collection, bulk containers shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector that will enable clear and easy access to the container by the collector's vehicle.

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### **59.5.05 Proof of Contract Required.**

[Amended by Ord. No. 2008-4]

Whenever requested by the Code Officer, or his designee, of the Borough of Northumberland, the owner of any real estate within the Borough of Northumberland shall present proof adequate in the judgment of the Code Officer or his designee that the owner of said real estate has a current contract with a licensed garbage hauler to dispose of garbage and rubbish generated on the premises on a weekly basis or more often. The owner of the premises shall have 72 hours to provide proof to the Code Officer or his designee that he has a current contract with a garbage or refuse hauler to provide sufficient service to satisfy the terms and conditions of this article. Self-transportation of waste by the property owner is permitted, providing the property owner maintains weight slips or receipts from a permitted disposal facility or garbage or refuse hauler for proof of compliance. The owner of the premises shall have 72 hours to provide proof of compliance to the Code Officer or his designee. The property owner shall maintain a 2-year record/ proof of contract retention.

## ARTICLE VI – DISPOSAL

### **59.6.01 Disposal at licensed facility required. (59-14)**

All municipal waste produced, collected and transported from within the jurisdictional limits of the borough shall be disposed of at a facility licensed and permitted by the Pennsylvania Department of Environmental Resources, and in accordance with the borough's solid waste management plan. It shall be unlawful for any person to otherwise dispose of such waste.

### **59.6.02 Bulky waste. (59-15)**

In addition to other disposal procedures permitted by this chapter, bulky wastes, such as but not limited to refrigerators, stoves, other appliances, pieces of furniture, auto parts and other such household goods and equipment, may be disposed of in the manner designated by the borough at any cleanup or collection fixed or set by the borough.

## ARTICLE VII – SPILLAGE

### **59.7.01 Prevention and cleanup. (59-16)**

Any person transporting municipal waste within the borough shall prevent and/or clean up and remove any spillage from vehicles or containers.

## ARTICLE VIII - TIME OF COLLECTION; AGREEMENTS AND CHARGES

### **59.8.01 Collection by collector. (59-17)**

Municipal waste to be collected by a collector shall be collected at least once each week.

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### **59.8.02 Disposal by non-collector. (59-18)**

Any persons who dispose of their own municipal waste shall collect the same at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly or potentially harmful to the public health.

### **59.8.03 Agreements and charges. (59-19)**

All agreements and charges for collection, transportation and disposition of municipal waste collected on a door-to-door basis shall be by private contract between the person and the collector.

### **59.8.04 Duties of Haulers.**

[Amended by Ord. No. 2008-4]

Any hauler picking up garbage or refuse in the Borough of Northumberland or accepting garbage or refuse at a drop-off location shall be required to advise the Code Officer of the Borough of Northumberland in writing within 72 hours after request from the Code Officer as to whether a property owner has a current contract for garbage and refuse disposal from his premises within the Borough of Northumberland. If at a drop-off location or transfer station, proof of acceptance of waste from a property owner shall be provided.

Furthermore, all haulers shall cooperate with the Borough of Northumberland Code Enforcement Officer in providing information in the event that an action is instituted to enforce the terms and conditions of this article.

## ARTICLE IX - RECYCLABLES

[Added 8-8-96 by Ord. No. 445]

### **59.9.01 Title. (59-20)**

This Article IX shall be known as the Northumberland Borough Recycling Ordinance.

### **59.9.02 Public Policy. (59-21)**

The Council of the Borough of Northumberland, recognizing that the reclamation of recycling materials has become an important method of addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, and transportation of recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, No. 101 (53 P.S. ~ 4000.101 et seq.), the Northumberland County Solid Waste Management Plan, this Article IX and Recycling Regulations relating thereto.

### **59.9.03 Definitions. (59-22)**

**Act** Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, No. 101 (53 P.S. ~ 4000.101 et seq.)

**Aluminum Cans** Empty food and beverage containers made entirely of aluminum.

**Bimetallic Container** Empty food or beverage containers mad of steel and aluminum.

**Borough** Borough of Northumberland.

**Collector** Borough of Northumberland and/or its authorized agent(s).

**Commercial Establishment** Any premise engaged in retail trade of sales of goods. Expressly included are all restaurants and taverns, all industrials or manufacturing businesses, and all types of offices.

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**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 sporting events attended by 200 or more individuals per day.

**Corrugated Paper** Structural paper material with an inner core shape in rigid parallel furrows and ridges.

**Dwelling Unit** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Enforcement Officer** The official designated herein, or the official otherwise charged with the responsibilities of administering this Article IX and the Recycling Regulations, or the official's authorized representative(s).

**Ferrous Containers** Empty food or beverage containers made of steel tin coated steel.

**Garbage** Solid waste from the domestic and commercial handling, preparation, cooking, consumption and disposal of food and from the handling, storage and sale of produce.

**Glass** Empty bottles and jars made of clear, green or brown glass, but not plate glass, automotive glass, blue glass, porcelain, and ceramic products.

**High-Grade Office Paper** Bond paper, computer paper, and other similar all-white paper commonly used in offices, but also used in residences and in commercial, institutional, and municipal establishments.

**Institutional Establishment** Those establishments that house or serve groups of people, such as hospitals, schools, day care center, nursing homes, and the like.

**Lead Acid Batteries** All batteries that contain lead, including, but not limited to, automotive, truck, and industrial batteries.

**Leaf Waste** Leaves from trees, bushes and other plants, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clipping.

**Magazines and Periodicals** Publications containing miscellaneous written articles, stories, poems, pieces, etc., published at fixed or varying intervals.

**Multi-Family Housing Property** A residential establishment containing four or more dwelling units.

**Municipal Establishment** Public facilities operated by the Borough, and other governmental and quasi-governmental authorities, agencies or bodies.

**Municipal Waste** Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous materials, 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 (35 P.S. ~ 6018.010 et seq.) from a municipal, commercial, or institutional water supply treatment plant, waste water treatment, or air pollution control facility. The term does not include source-separated recycling materials.

**Newspapers** Printed matter printed on paper of the type commonly referred to as newsprint, and distributed at fixed intervals, containing news, opinions, advertisements, and other matters of public interest, but not glossy advertising inserts often included with newspapers.

**Occupant** Any person living and/or sleeping in a dwelling unit.

**Ordinance** Northumberland Borough Recycling Ordinance.

**Person** Any individual, partnership, municipal waste hauler, scrap dealer, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, or another other legal entity whatsoever which is recognized by law the subject of right and duties. The term "person" shall include the masculine as well as the feminine, and plural as well as the singular. In any provision of this Article IX containing an obligation or a prohibition, or prescribing a

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fine, imprisonment, 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 Containers** Empty food and beverage containers made of plastic. The plastic containers to be recycled shall be those specified in the Recycling Regulations.

**Recyclable Materials** Materials such as clear glass, colored glass, aluminum, steel, and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and any other material identified by the Borough to be recycled.

**Recycling Regulations** Regulations related to recycling adopted from time to time by the Borough of Northumberland.

**Refuse** Garbage, rubbish and trade waste.

**Residential Establishment** A building containing one or more dwelling units.

**Rubbish** Solids, including but not limited to, rags, old clothes, leather, rubber carpets, wood, excelsior, paper, ashes, furniture, can, glass, glass crockery, masonry, leaves, garden residue, shrubbery and tree trimmings, and other similar material.

**Source-Separated Recyclable Materials** Materials separated from municipal waste at the point of origin for the purpose of recycling.

**Steel Cans** Empty food and beverage containers made entirely of steel.

**Trade Waste** All solid or liquid materials or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but limited to, plastic products, paint, grease, oil and other petroleum products, chemical, and other forms of solid or liquid waste materials.

**Waste** A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise to be disposed of. The term does not include source-separated recyclable materials or material approved by the Borough of Northumberland for beneficial use. (See Municipal Waste)

### 59.9.04 General. (59-23)

Recyclable materials separated, stored, collected or delivered under the provisions of this Article IX and the Recycling Regulations shall not be considered municipal waste and shall not be subject to the provisions of those ordinances which require disposal of municipal waste at designated facilities.

This exemption applies to recyclable materials collected by the Borough or its designated agent and/or delivered to the Borough’s drop-off sites by residents and/or collectors. Likewise, the Borough, or its designated agents, shall be exempt from all provisions or those ordinances which require disposal of municipal waste by licensed haulers. Recyclable materials separated, stored, collected or delivered in any manner other than the approved methods listed in this Article IX and the Recycling Regulations shall be considered municipal waste and shall be subject to the provisions of the appropriate ordinance(s).

### 59.9.05 Recycling of Material. (59-24)

No person in the Borough shall dispose of materials required to be recycled by this Article IX and the Recycling Regulation with the ordinary municipal waste, and no person shall burn such materials. No collectors of such materials shall dispose of collected recyclable in landfills or burn the same, but such materials shall be taken to a recycling facility and records must be kept by the collectors to verify same. Notwithstanding any provisions of this Article IX and the Recycling Regulations, any person having ownership of recycling materials may sell or donate the same to any person, whether operating for profit or not for profit, provided, however, that such materials may not be placed for collection at, nor collected from, curbside or at established drop-off sites.

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### 59.9.06 Establishment of Program (59-25)

- A. **Residential Establishment Program.** The Borough hereby establishes a mandatory residential program for occupants of residential establishments in the Borough for the separation for recycling of no less than three of the following recyclable materials from other municipal waste generated at their dwelling: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics and leaf waste. Occupants shall separate recyclable materials from solid waste, prepare and store the same, and either place said materials at curbside on the designated collection day or deliver them to any established drop-off site during the times permitted, all according to this Article IX and the Recycling Regulations. However, the Borough shall allow an owner, landlord, or agent of an owner or landlord of a multi-family property to comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. This collection system must include suitable container for collecting and sorting materials, easily assessable 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 and landlords who comply with this Article IX and the Recycling Regulations shall not be liable for the noncompliance of occupant of their buildings. Nothing herein shall require any person to gather leaf waste, or prevent any person from utilizing leaf waste, for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscape purpose.
- B. **Commercial, Institutional, Municipal, and Community Activities Program.** The Borough hereby establishes a mandatory program for commercial, institutional, and municipal establishment, and community activities, for the separation for recycling of no less than three (3) of the following recycling materials from other municipal waste generated at their dwelling: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics and leaf waste. The Borough will exempt persons occupying commercial, institutional, and municipal establishments from the requirements of this Article IX and the Recycling Regulations if those persons have otherwise provided for the recycling of materials they are required by this Article IX and the Recycling Regulations to recycle. To be eligible for an exemption a commercial, institutional, or municipal establishment must submit to the Borough, at the times and in the manner set forth in the Recycling Regulations, reports of its recycling program and written documentation of the total number of tons recycled. Nothing herein shall require any person to gather leaf waste, or prevent any person from utilizing leaf waste, for compost, mulch, or other agricultural, silvicultural, gardening or landscape purposes.
- C. **Existing Programs.** All recycling operations in existence at the time that this Article IX was adopted may continue to operate within the Borough if the collector obtains a license, operates within the provisions of this Article IX and the Recycling Regulation, and submits to the Borough, at the times and in the manner set forth in the Recycling Regulations, report of its recycling program and written documentation of the total number of tons recycled.
- D. **Public Information and Education Programs.** The Borough shall provide to all persons occupying residential, commercial, institutional and municipal premises within its boundaries information concerning recycling program features, requirements and changes as required by the Act.
- E. **Specific Program Regulations.** Specific program regulations shall be promulgated under this Article IX, and the Borough is empowered to make changes to the program regulations as necessary. Subsequent changes in the program regulations may be made by the Borough Council after proper public notice and notification of all affected persons.

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### 59.9.07 Grass Clippings. (59-26)

- A. Regulation: The deliberate or unintentional disposal of grass clippings, brush, fill, trash, debris, obstructions or unwanted materials into the storm sewers or within or along banks of man-made or natural watercourses or in adjacent floodplain areas which may wash into streams and sewers is unlawful. [Added 10/01/02 by Ord. No. 2002-10.]
1. Powers and Authority of Inspectors: The Code Enforcement Office and other duly authorized employees of the Borough of Northumberland shall be permitted to enter upon all properties for the purpose of inspection, observation and measurement, in accordance with the provision of this ordinance.
  2. Penalties:
    - a) Any person found to be violating the provision of this ordinance shall be served by the Borough of Northumberland with written notice stating the nature of the violation and providing 10 days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
    - b) Any person who shall continue any violation beyond the time limit provided for shall be guilty of a summary offense, and upon conviction thereof, shall be fined for each violation in an amount to be determined by resolution of the borough council each year. Each day shall count as a separate offense.
    - c) A substitution may be made for hours of community service in lieu of a cash fine, in the service is devoted to remediation of the impact of dumping in the conveyance system.
- B. It shall be unlawful for any person to knowingly cause grass clippings, leaves, or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads of the Borough of Northumberland. A homeowner is responsible to ensure that any persons hired to cut their grass or maintain their yard abide by this ordinance. Any grass or waste, which inadvertently is caused to enter the streets or alleys of the Borough, shall be promptly removed; there is no "grace period" within which to remove grass or leaves. [Added 11/19/02 by Ord. No. 2002-11.]
1. Enforcement. This ordinance may be enforced by the Police Department or Code Enforcement Officer. A violation of this ordinance shall initially be sanctioned by the civil penalty method set forth in 59.9.07.B.3. The enforcing officer will use common sense and discretion in the enforcement of this Ordinance and shall consider means other than the issuance of a summons where appropriate. No summons may be based upon hearsay.
  2. There shall be a presumption that grass clippings, leaves, or yard waste immediately adjacent to a property where caused to be placed there by the property owner. This is a rebuttable presumption.
  3. Penalty
    - a) **Civil Penalty** A violation of Ordinance 2002-11 shall constitute a civil penalty punishable by a fine set in the Borough's Schedule of Fines and Costs. A summons, similar in form to a parking summons, shall be tendered by the officer to the responsible party. The summons shall be paid at the Borough Office within seventy-two (72) hours. The fine shall be a higher thereafter as set in the Borough's Schedule of Fined and Costs.
    - b) **Criminal Penalty** Any person who fails to pay a civil penalty set under Section 4 within thirty (30) days commits a summary offense under the Borough Code and shall be issued a citation to appear before the District Justice. Upon conviction, a Defendant shall be fined

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according to the Borough's Schedule of Fines and Costs, or in default thereof, sentenced to the county jail for up to thirty (30) days.

4. Severability. Should any portion of this ordinance (Ordinance 2002-11) be determined to be unlawful or constitutional, then the remainder of the Ordinance shall not be affected and shall remain in full force and effect.

### **59.9.08 Unauthorized Removal, collection, Etc., of Recycling Materials Prohibited. (59-27)**

Any recyclable materials placed or located at the curbside, in drop-off sites, in storage bins associated with residential, commercial, municipal, or institutional establishments, or multi-family housing properties, pursuant to this Article IX and the Recycling Regulations, are property of the Borough, and may not be collected, picked up, removed, disturbed by, or disposed of, by a person other than one authorized by this Article IX and the Recycling Regulations.

### **59.9.09 Agreements and/or Licenses. (29-28)**

The Borough shall provide for the collection of recycling program and/or materials from curbside, drop-off-sites, or other designated locations in accordance with this Article IX and the Recycling Regulations, and such provisions may include agreements with person(s) to collect such materials. In any case where a person is not serviced at curbside that person may contract with a private collector who has obtained a license in accordance with this Article IX and the Recycling Regulation.

### **59.9.10 Fee. (59-29)**

The Borough may assess a monthly fee, either per bag, or per residential, commercial, institutional, and/or municipal unit, to offset the cost of the recycling program. Collection fees, market rates, and other variable costs associated with the program will be considered in determining the amount of the fee which will be established and set forth in the Recycling Regulations.

### **59.9.11 Violations, Penalties, Enforcement. (59-22)**

- A. Violations. Any person who violates this Article IX and the Recycling Regulations shall, upon conviction, be subject to the fine, penalty and costs set forth in ARTICLE X below.
- B. Theft of Collection Containers. Any person who steals any collection container issued to a residence for use in the Borough recycling program, or who steals any collection container placed at designated drop-off-sites or issued to businesses, institutions, municipalities, and multi-family housing properties for use in the Borough recycling program, shall, upon conviction, be subject to the fine, penalty and costs set forth in ARTICLE X below.
- C. Enforcement. The Borough Street Supervisor and/or such other person(s) designated by Borough Council shall be responsible for the enforcement of the Article IX and the Recycling Regulations.

## ARTICLE X – PENALTIES

### **59.10.01 Violations and Penalties. (59-31)**

Any person who violates the provisions of this Chapter shall, [As passed 12/18/2001, as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]. A new and separate violation shall be deemed to have been committed for each day that any violation continues beyond the first day and shall be subject to separate proceedings before a District Magistrate, and subject to the penalty imposed by this Article X each and every day such violations shall continue.

## **Chapter 59 – Waste Management**

### **ARTICLE XI – SEVERABILITY; ADDITIONAL STANDARDS; REGULATIONS; REPEALER**

#### ***59.11.01 Severability. (59-32)***

Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby but shall remain in full force and effect.

#### ***59.11.02 Additional standards. (59-33)***

This Chapter shall be subject to all applicable federal and state laws, rules and regulations, including the rules and regulations as set forth by the Pennsylvania Department of Environmental Resource and/or the Pennsylvania Department of Environmental Protection.

#### ***59.11.03 Regulations. (59-34)***

The Borough Council may establish and revise rules and regulations governing any matters covered by this Chapter.

#### ***59.11.04 Repealer. (59-35)***

All ordinances inconsistent herewith are hereby repealed.