

ORDINANCE NO. 2015 -1028

**AN ORDINANCE OF THE BOROUGH OF LEHIGHTON,
CARBON COUNTY, PENNSYLVANIA AMENDING CHAPTER
18 OF THE LEHIGHTON BOROUGH CODE REGARDING
GARBAGE, RUBBISH AND REFUSE.**

WHEREAS, the Borough of Lehighton has enacted an Ordinance regarding Garbage, Rubbish and Refuse located in Chapter 118 of the Lehighton Borough Code;

WHEREAS, Lehighton Borough deems it advisable to amend said Ordinance for the benefit of the health, welfare and safety of its residence.

NOW THEREFORE, be it enacted and ordained by the Borough Council of the Borough Lehighton, Carbon County, Pennsylvania as follows:

Section 1. Article II of Chapter 18 including Sections 118-5 through 118-16 shall be deleted in their entirety. Article II shall hereinafter read as follows:

Section 118-5. Definitions:

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

ASHES- Includes ashes from coal or wood.

GARBAGE – Includes any offal or refuse of fish, fruit, vegetable or animal matter or any other organic substance subject to fermentation or decay. "Garbage," as used in this Article, does not include tin cans, glass or any glass or metal containers.

RUBBISH- Includes paper, rags, excelsior, straw, old clothes, paper and cardboard boxes, old shoes, tin cans, glass, china, glass containers, oyster and clam shells, lawn trimmings, grass, weeds and other waste materials which shall result from the ordinary conduct of housekeeping.

Section 118-6. Collection Fee; Delinquent accounts

A. Fees

1. A garbage collection and disposal fee shall be charged for all residential households and/or units (occupied or vacant) within the Borough. For residential households and/or units whether occupied or vacant, the garbage collection and disposal fee shall be charged on a yearly basis as set by Resolution. The initial fee as of the time of the adoption of this Ordinance shall be Three Hundred (\$300.00) Dollars per year. This rate may be amended from time to time by Resolution of Borough Council.

A garbage collection and disposal fee shall be charged for each commercial property owner, tenant or licensee, whose garbage is collected and disposed of by the Borough of Lehigh. The commercial fee will be charged on a yearly basis and may be amended from time to time by Resolution. The initial fee as of the time of the adoption of this Ordinance for commercial property shall be Three Hundred Sixty (\$360.00) Dollars per year. If a commercial property owner, tenant or licensee, chooses to have his garbage hauled by a private hauler, or any hauler other than are hired by the Borough of Lehigh, the commercial owner, tenant or licensee, must provide a letter to the Borough Manager on the hauling company's letterhead stating which businesses are being serviced by that hauler.

2. Said garbage collection fees shall be billed and payable in equal monthly installments.

B. Delinquent accounts.

Any fee chargeable under this section shall be subject to a penalty of 5% if not paid within 20 days from the date of the bill, and all delinquent accounts are subject to the stoppage of services without notice. If a delinquent account is not paid within 30 days, the Manager shall cease all refuse collection for that account. Service shall be resumed thereafter only on payment of the accumulated fees for the period of collection and for the period of non-collection, plus 10%.

Section 118-7 Containers:

- A. Residents, householders, tenants, as well as other parties or persons occupying dwellings or units thereof, including all private persons, associations and corporations shall provide or cause to be provided and kept at all times, portable metal vessels or metal or plastic receptacles of a capacity of not more than 35 gallons or less than 20 gallons, to be water tight, with lids and handles, and shall further cause said vessels, receptacles and cans to be kept outside of the residence or building.
- B. Plastic trash bags may be substituted for metal or plastic containers in the case of garbage and rubbish. Such bags must be securely tied and shall be of sufficient strength to allow their being handled without tearing or breaking. No plastic trash bag may have a weight greater than 35 pounds.

Section 118-8. Placement of receptacles for collection.

Receptacles containing garbage, rubbish and ashes, shall be placed for collection no sooner than 6:00 p.m. on the day before scheduled garbage pick-up. The receptacles containing such garbage, rubbish and cold ashes shall be placed at the curb line of the street or alley or within ten (10') feet of the street or alley where collection is to occur. Receptacles shall be removed from the curb line of the street or alley or the location placed for pick-up by 9:00 a.m. the day following garbage pick-up. The Borough reserves the right to change these rules in order to make the collection more practical.

Section 118-9. Care of receptacles.

Receptacles for garbage, rubbish and ashes must not be damaged, destroyed or removed from the properties where they are placed except by the householder or owner or with his or their consent.

Section 118-10. Collection schedule and regulations.

The hours, days, times, places and amounts of removal of garbage, rubbish and ashes shall be governed by rules and regulations adopted by the Borough Council, which rules and regulations may be revised from time to time as the Borough Council may determine.

Section 118-11. Prohibited Acts.

- A. Construction materials such as paneling, drywall, carpeting, toilets, tubs, shower units and wood, is not included in the definition of garbage, rubbish or ashes for purposes of this Ordinance. All homeowners, residents and individuals shall be prohibited from placing such construction materials for collection. All such persons must dispose of such construction materials by private contract and such construction materials may not be disposed of as part of the routine collection of garbage and rubbish within the Borough.
- B. In addition to the metal or plastic receptacles and garbage bags which may be placed for collection, each homeowner shall be permitted to place one (1) large item per week from each home/dwelling unit. Such large items shall be items such as stove, chair, table, couch or appliance. No more than one such item shall be placed for collection from any one dwelling unit/home within the Borough.
- C. When any major appliance is placed for collection such as an oven, refrigerator, washer, dryer etc., all doors must be removed from such appliance prior to being placed for garbage collection. Microwaves and TV's are no longer allowed to be put out for garbage.

- D. All freon must be removed from any freezer, air conditioner, refrigerator, or other item which may have contained freon and all such appliances must be tagged (indicating freon has been removed) before being placed for garbage collection.

Section 118-12. Removal of fallen material required.

The garbage, rubbish and ash collector or collectors must also collect and remove all garbage, rubbish and ashes which, by accident or otherwise, may have been put or fallen on the sidewalks, streets, alleys or highways.

Section 118-13. Vehicle standards.

All carts, wagons and other vehicles used in the collection and transporting of garbage, rubbish and ashes within the limits of the Borough shall always be kept in a clean and sanitary condition and maintained so as not to create public nuisance or be in any way a menace to the public health. All such vehicles shall be provided with a watertight box, body or container, closely and entirely covered with a suitable cover, adequate to prevent leakage and to prevent materials from being blown from the vehicle. All vehicles shall at all times be subject to a rigid inspection by the Health Officer of the Borough of Lehighton or any other authorized agent of said borough.

Section 118-14. Additional rules and regulations; contracts.

The Borough Council of the Borough of Lehighton is hereby authorized and directed to make such rules and regulations as it shall determine relative to the removal of garbage, rubbish and ashes; and said Council is hereby further authorized and directed to make contract for removal of garbage, rubbish or ashes, or such other arrangement as it may deem best for the removal of the same.

Section 118-15. Nonresident Garbage

It shall be unlawful for any person not a resident of the Borough of Lehighton to deposit any refuse at or near any residential unit for collection and disposal of same.

Section 118-16. Garbage generated outside of Borough

It shall be unlawful for any person to deposit any refuse for collection that is generated from outside of Lehighton Borough.

Section 118-17. Violations and penalties.

All persons, firms or corporations violating or contributing to the violation of any of the provisions of this Article or permitting their agents or representatives, while under their control or under their direction, to do so shall, upon conviction thereof before any District Justice, be subject to a fine of not more than six hundred dollars (\$600.00) and costs of prosecution and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than thirty (30) days.

Section 2. Article III of Chapter 18 shall hereinafter read as follows:

Section 118-18. Title

The title of this Article shall be the "Lehighton Borough Recycling Ordinance" and the same may be cited in that manner.

Section 118-19. Definitions.

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

COMMERCIAL ESTABLISHMENT – Those properties used primarily for commercial or industrial purposes and those multifamily dwellings for which the Borough does not provide municipal waste collections service. A Commercial Establishment is required to request a recycle container from their hauler and conform to the recycling guidelines of the borough.

COMMUNITY ACTIVITIES – Events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, which include but are not limited to, fairs, bazaars, socials, picnics and organized sporting events. Such community activities are required to conform to the recycling guidelines of the Borough. [Added 12-20-2013 by Res. No. 032-2013; amended 4-27-2014 by Ord. No. 610-2014]

CURBSIDE RECYCLING COLLECTION – The scheduled collection and transport of recyclable material placed at the curbline by residents, subject to the Code of the Borough of Lehigh

DISPOSAL – The deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in such 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 CONTAINERS – All empty food and/or beverage bottles and jars made of clear, green or brown glass, except noncontainer glass, plate glass, blue glass and porcelain and ceramics products

LEAF AND YARD WASTE – Leaves, garden residue, shrubbery and tree trimmings and similar material, but not including grass clippings.

METALS – Includes any empty all-aluminum cans, aluminum foil, pie plates, steel cans and empty aerosol cans.

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 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 term does not include source-separated recyclable materials.

PAPER – Office paper, brown paper bags, newspapers, magazines, phone books, paperboard, junk mail, flattened cardboard (large pieces must be cut down and bundled).

PLASTICS – Empty polyethylene terephthalate (PETE) and high-density polyethylene (HDPE) plastic food and beverage containers 1 through 7 as defined by the recycling regulations.

RECYCLABLE MATERIALS – Aluminum, glass, plastics, paper, cardboard, newsprint and such other materials, if any, as specified from time to time by the municipality to be recycled. These materials are specified in the recycling regulations and may be revised from time to time as deemed necessary by the municipality.

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

SOLID WASTE – solid waste, as defined in the Act of July 7, 1980, P.L. 380, No. 97,¹ known as the “Solid Waste Management Act.”

Section 118-20. Program established.

There is hereby established a program for the mandatory separation of recyclable materials from solid waste by persons residing in residential dwellings for which Lehighon Borough, hereinafter referred to as the "Borough," provides municipal waste collection services.

Section 118-21. Residential dwellings.

- A. Recyclable materials from residential dwellings shall be placed at the curb in yellow, green, blue and/or red containers separate from solid waste for collection. Such collection shall be on a weekly basis.
- B. At the time of passage of this article, recyclable materials for residential dwellings are metals, glass containers, paper, and plastics. All can be commingled for single-stream recycling.

Section 118-22. Multifamily dwellings.

- A. The owner, landlord or an agent of an owner or landlord of multifamily dwellings whose solid waste is not collected by the borough shall establish a collection system for recyclables at each property.
- B. At the time of passage of this article, recyclable materials for residential dwellings are metals, glass containers, paper, and plastics. All can be commingled for single-stream recycling.
- C. The collection system must contain 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 collections system.
- D. Owners, landlords and agents of owners or landlords shall be liable for noncompliance of the occupants of their buildings.

Section 118-23. Commercial, institutional and municipal establishments and community activities. [Added 12-20-2013 by Res. No. 032-2013; amended 4-27-2014 by Ord, No. 610-2014]

Commercial, institutional, municipal establishments and community activities shall separate and store, until collection, corrugated paper, office paper, aluminum and leaf waste. These establishments must arrange for the transfer of the materials to a recycling system, and, if that system is separate from that used in the Borough for residential dwellings, the establishment shall annually provide to the Borough evidence of such arrangements and documentation of the total number of tons recycled.

Section 118-24. Leaf Waste

- A. All persons shall separate leaf waste from other refuse. Tree leaves shall either be placed loose in the street near the curb for municipal collection on designated days or shall be placed in open bags at the same location as may be directed by the Borough.
- B. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscape purpose.

Section 118-24.1 Tree Branches and Shrubs.

- A. All persons shall separate tree branches and shrubs from other refuse. Tree branches and shrubs should be cut so that no tree branch shall exceed 3 feet in length and all shrubs shall be cut so that no shrub exceeds 3 feet in height. All persons shall deposit tree branches and shrubs in the dumpster at the public works building. The dumpster will be clearly marked and/or designated for tree branches and shrubs.
- B. Nothing herein shall require any person to gather tree branches or shrubs or prevent any person from utilizing

tree branches and shrubs which are ground for compost, mulch or other agricultural horticultural, gardening or landscape purposes.

Section 118-25. Collection by unauthorized persons.

It shall be a violation of this article for any person or persons unauthorized by the Borough of Lehighon to collect or pick up or cause to be collected and picked up any such recyclable materials on the regularly scheduled curbside collection day.

Each and every such collection or pickup for one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

Section 118-26. Alternative collection of recyclables

Any person may donate or sell recyclable materials only to persons or organizations, if any designated by the municipality in its recycling regulations. Such persons or organizations shall not collect recyclable materials on or immediately preceding [within 24 hours] a regularly scheduled curbside collection day.

Section 118-27. Collection agreement.

The Borough of Lehighon may enter into an agreement or agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from the curbside.

Section 118-28. Enforcement; administration.

The Borough Secretary or his/her designee is authorized and directed to enforce this article. The Borough Council shall establish reasonable regulations as to the manner, material, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this article. The Borough Council may further change, modify, repeal or amend any portion of said rules and regulations at any time.

Section 118-29. Stolen or lost containers.

It shall be the responsibility of the residents of the Borough of Lehighton to place recyclable containers at a safe place on the property. Lehighton Borough shall issue one container per household or apartment; and at that time, it shall be the responsibility of the resident. If a container is lost or stolen at any time, the person(s) to whom the container was signed out to must purchase another from the Borough office during regular business hours. The amount will be determined at that time.

Section 118-30. Violation and penalties.

- A. Any person who shall violate any provision of this article shall receive an official written warning of noncompliance for the first offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.
- B. Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days, provided that each day's continuance of a violation of any provision of this article shall constitute a separate violation.

Section 118-31. Conflicting requirements.

Whenever the requirements of this article are in conflict with other requirements of the ordinances of the Borough of Lehighton, the most restrictive or those imposing the highest standards shall govern.

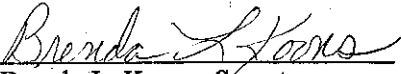
Section 3. In all other respects the Ordinance shall remain the same.

ENACTED AND ORDAINED this *21st* day of *December*, 2015 by the Council of the
Borough of Lehigh, Carbon County, Pennsylvania.

BOROUGH OF LEHIGH


GRANT HUNSICKER, President

ATTEST:


Brenda L. Koons, Secretary

APPROVED:


THOMAS MASE, MAYOR