

CHAPTER 20

SOLID WASTE

Part 1

Collection, Recycling and Disposal

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## Part 1

### Collection, Recycling and Disposal

#### A. Collection and Disposal of Refuse.

§101. Definitions. For the purpose of this Part, the following terms, phrases or words shall have the meaning ascribed to them in this Section, except where the context in which the word is used clearly indicates otherwise:

**ALUMINUM** - aluminum food and beverage containers, which contain only non-aerosol or edible substances.

**BILLING UNIT** - a single-family residence or its equivalent. An equivalent unit is any portion of an occupied property which generates refuse and recyclables and (i) occupies separate building space; (ii) provides separate income, service or benefit to the property owner (iii) is capable of subdivision along a vertical party wall. An equivalent unit when applied to a nonresidential use shall only apply to a unit generating no more than four (4) thirty (30) gallon containers of refuse per week. (Ord. 612, 8/2/1992)

**BOROUGH** - means Nazareth Borough, a municipality located in Northampton County, with business offices at 134 South Main Street, Nazareth, Pennsylvania, 18064.

**BOROUGH RECYCLING CENTER** – located on G. W. Stoudt Boulevard, this drop-off center will provide recycling for Dual Stream, cardboard, and Yard Waste recycling.

**BULK ITEMS** – Examples of items include but are not limited to, carpet, furniture, mattresses, storm sashes, screens, etc. Bulk Items shall not include residential solid waste, construction debris, hazardous waste or electronics per CDRA Pa. Act 108 of 2010.

**CO-MINGLED** - aluminum, bi-metallic and steel, glass and plastic food and beverage containers (as defined herein), placed in a special recycling container for the purpose of collection without having been segregated by color or type.

**COMMERCIAL ESTABLISHMENT** - an establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters and also those facilities that house or serve groups of people such as hospitals, schools, day care centers, universities and nursing homes.

**COMMERCIAL RECYCLING** - Pennsylvania Act 101 and the Borough of Nazareth require that businesses, professionals, non-profit organizations, institutions and industrial and residential landlords must recycle plastic containers, glass bottles and jars, newspapers, office paper, magazines, junk mail, phone books, cardboard and yard waste. It further requires that you report your recycling information to the Borough at the end of each year.

**COMMUNITY EVENTS** - Events that are sponsored by public or private agencies or individuals, including but not limited to, fairs, bazaars, socials, picnics and organized sporting events attending by two hundred (200) or more individuals per day are required to recycle pursuant to PA Act 101 and the Borough of Nazareth.

**COMPOSTING** - the process by which organic material is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

CONSTRUCTION DEBRIS - also referred to as "C & D" and refers to waste that includes, but is not limited to, lumber, pipes, bricks, concrete, rebar, wood, paneling, linoleum, drywall, plumbing fixtures, fencing, or roofing materials that result from construction or demolition activities.

CONTAINER—refers to a durable water-tight receptacle of not more than sixty-four (64) gallons used for the collection and storage of Solid Waste or Recyclables at a Residential Unit, Municipal Facility or Community Event and placed curbside for Borough-wide collection as may be approved from time to time by the Borough.

CONTRACTOR - an entity or organization authorized by the Borough to collect, transport and dispose of the Borough's refuse and recyclables.

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

CURBSIDE - From any Residential Unit, the nearest point at the side of a Borough or State-maintained roadway, or from a private roadway, the nearest point at the side of the private roadway, provided the property owner(s) has/have issued a waiver for collection vehicles to travel along the roadway for collection.

CURBSIDE RECYCLING - the Borough-wide collection of recyclable materials contained in Containers that are provided to Residential Units for placement at curbside.

DUMPSTER – A generic term describing front-load and rear-load containers also known as "rolloffs" and used for large-scale collection and transport of Solid Waste or Recyclables.

ELECTRONICS – Refers to items excluded from the waste stream and as described in the Covered Device Recycling Act (CDRA), PA Act 108 of 2010.

GLASS - glass food and beverage containers commonly found in the home. It includes clear (flint), green and brown (amber) colored containers. It excludes crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass. (Ord. 612, 8/2/1992)

GRASS CLIPPINGS - Lawn waste resulting from mowing of residential lawns. For the purpose of this contract, grass clippings shall be considered Solid Waste.

HAULER - a person who owns and/or operates vehicles engaged in the collection or transportation of municipal waste within the Borough.

HAZARDOUS WASTE - Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the Commonwealth to be hazardous as that term is defined by or pursuant to Federal or Commonwealth Law.

HIGH-GRADE OFFICE PAPER - all white paper, bond paper, and computer paper used in commercial, institutional and municipal establishments and in residences.

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

MIXED USE - any combination of commercial (four (4) cans per week or less) and residential units the total being twelve (12) or less from which refuse and recyclables are collected. (Ord. 612, 8/2/1992)

MULTIFAMILY HOUSING PROPERTIES - any property having thirteen (13) or more dwelling units per structure. It shall not include buildings with multiple dwelling units capable of subdivision along a vertical party wall. (Ord. 612, 8/2/1992)

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

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency (including, not limited to, the Department of General Services and the Pennsylvania Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this 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 - water and milk jugs, soda bottles and laundry product containers. Additional categories by mutual agreement.

PROCESSING CENTER - the location, which may be maintained by the Contractor for the purpose of sorting, preparing and/or consolidating recyclables for sale.

RECYCLABLES - includes office and mixed paper, cardboard and flatboard, newspapers including colored inserts, manila and brown folders, glossy paper, magazines, telephone books, bi-metal, tin and aluminum cans, empty aerosol cans, clear, green, and brown glass bottles and jars, and plastics (numbers 1, 2, 3, 4, 5, 6, and 7). For the purpose of this ordinance, White and Metal Goods shall be considered Recyclables and shall be collected and transported to a Designated Recycling Vendor with the tonnage being reported to the Borough monthly.

RECYCLE OR RECYCLING – the collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste and 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 COLLECTION SERVICES - those services to be performed by the Contractor as follows:

- A. The collection of recyclable materials from locations specifically designated by the parties;
- B. Processing of recyclable materials as applicable; and
- C. Marketing of the recyclable materials.

REFUSE - for purposes of proposals, shall mean:

A. GARBAGE - animal, fruit and vegetable waste resulting from the handling, preparation and cooking of foods.

B. ASHES - the residue from the burning of wood, coal, coke or other combustible materials for the purpose of heating and cooking.

C. RUBBISH - all building waste (residue resulting from building construction, reconstruction, repair or demolition, and from grading or other incidental work which must originate on site in the Borough), combustibles (including paper, rags, boxes and other flammable waste materials), noncombustibles (including crockery, metal and nonflammable waste materials); and all waste materials not included in the definitions hereinbefore stated, but not inducing sewage and industrial wastes to be disposed of by and through the Nazareth Borough Municipal Authority through the Nazareth municipal sewer system, and not including

dangerous materials or substances such as poison, acids, caustics, explosives, hazardous wastes, infected materials or substances. (Ord. 612, 8/2/1992)

D. RIFFRAFF - Bulk items and waste materials too large for collection in ordinary containers, such as discarded furniture, stoves, pipes, tanks, household appliances, white goods, fixtures and other such items.

RESIDENCE (S) - any single-family attached or detached dwelling or multiple dwellings have twelve (12) or less units per structure from which refuse and recyclables are collected. It shall include all buildings with multiple dwelling units capable of subdivision along a vertical party wall. (Ord. 612, 8/2/1992)

RESIDENTIAL AND COMMERCIAL EDUCATION - The hauler shall provide an annual educational mailing, reviewed and approved by the Borough, large enough to contain all Act 101 required mandated education and any additional pertinent information.

SOLID WASTE - includes any garbage, trash, refuse, and other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of Residential Units, Municipal Facilities, and Community Events and excludes Electronics, Construction and Demolition Waste, Household Hazardous Waste, Yard or Leaf Waste, and any sludge not meeting the definition of residual or designated hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

SOURCE SEPARATED RECYCLABLE MATERIALS - those materials separated at the point of origin for the purpose of being recycled.

STEEL AND BI-METALLIC - steel and bi-metallic food and beverage containers, which contain only non-aerosol or edible substances.

YARD WASTE - shall include Leaf Waste, plant materials (leaves, branches, brush, flowers, roots, etc.), debris commonly thrown away in the course of maintaining yards and gardens. Yard Waste shall not include loose soils, sod, food waste, including food waste from gardens or orchards; food compost; plastics and synthetic fibers; lumber; tree stumps, any wood or tree limbs over four (4) inches in diameter; human or animal excrement; noxious weeds and soil contaminated with hazardous substances. (Ord. 587, 9/4/1990, Pt. 1, §1; as amended by Ord. 612, 8/2/1992, §§1-7; as amended by Ord. 839, 1/7/2019; and as amended by Ord. 855, 11/4/2019)

#### §102. Containers.

1. All refuse originating within the Borough of Nazareth shall be disposed of only by the Contractor designated as herein provided unless herein exempted. No person except the Contractor shall collect, remove, haul or convey refuse through or upon any of the streets of the Borough and dispose of the same in any manner or place. (As amended by Ord. 839, 1/7/2019)

#### 2. Preparation of Refuse.

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

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

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

3. Refuse Containers.

A. All garbage shall be placed in containers.

B. Refuse containers shall be durable watertight receptacles having a close-fitting lid and handles to facilitate collection.

C. Containers shall be limited to sixty-four (64) gallons of capacity and when filled shall weigh not more than fifty (50) pounds.

D. This paragraph deleted effective April 10, 2020.

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

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

G. Time Restrictions. No refuse containers may be placed earlier than 7:00 A.M. of the morning prior to the scheduled collection date. All refuse containers shall be placed prior to the time set for collection. (Ord. 797, 6/2/2014; and as amended by Ord. 855, 11/4/2019)

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

(Ord. 587, 9/4/1990, Pt. 1, §2)

§103. Commercial Establishments. All commercial establishments utilizing more than four (4) containers per week shall be exempt from the application of this Part. The hauler responsible for the removal of refuse from commercial establishments shall meet the requirements of §§105, 106 and 107 of this Part 1. The accumulation of refuse from commercial establishments shall be collected and disposed of at the expense of owner. (Ord. 587, 9/4/1990, Pt. 1, §3; as amended by Ord. 612, 8/2/1993, §8)

§104. Multifamily Housing Properties. All multifamily housing and mixed-use properties, which exceed twelve (12) units, shall be exempt from the application of this Part. The hauler responsible for the removal of refuse from multihousing and mixed use properties shall meet requirements of §§105, 106 and 107 of this Part 1. The accumulation of refuse from multifamily housing and mixed-use properties shall be collected and disposed of at the expense of the owner. (Ord. 587, 9/4/1990, Pt. 1 §4; as amended by Ord. 612, 8/2/1993, §9)

§105. Collection Vehicles. All persons gathering or hauling refuse in, over and upon the streets of the Borough of Nazareth shall haul the same only in vehicles tightly closed on the bottom and sides so as to prevent refuse from spilling, dripping or otherwise falling or coming upon sidewalk, street or alley, and all such vehicles shall be so operated as to prevent offensive odors from escaping there from and refuse from being blown or spilled upon any sidewalk or street, and shall be kept in a sanitary condition at all times. (Ord. 587, 9/4/1990, Pt. 1, §5; as amended by Ord. 839, 1/7/2019)

§106. License Required to Collect Solid Wastes from Commercial Users and Multifamily Housing Properties. It shall be unlawful for any person to engage in the business of collecting solid waste from commercial establishments and multifamily housing properties within the Borough limits without obtaining a license from the Borough Administrative Clerk. All persons desiring such license shall annually present a written application to the Borough Administrative Clerk setting forth the intention to engage in the business

of collecting refuse from commercial establishments and multifamily housing properties, the equipment and property to be used in the said business and such other information as the Administrative Clerk may require. The Clerk, upon being satisfied that the applicant is able to provide such service, shall grant such a license for the period of one (1) year or such portion of the calendar year as may then be remaining. All licenses so issued shall expire on the thirty-first day of December of each year.. (Ord. 587, 9/4/1990, Pt. 1, §6; as amended by Ord. 595, 10/7/1991; and as amended by Ord 839, 1/7/2019)

§107. Reports. All persons collecting refuse and/or recyclables in the Borough shall submit a customer list monthly, together with a report in the form provided, listing by weight all refuse and recyclables collected. Failure to comply with these requirements will result in revocation of the license provided in §106, above. (Ord. 587, 9/4/1990; as added by Ord. 612, 8/2/1993, §10)

§108. Hours of Operation. Collection of refuse and recyclables shall be limited to the hours of 7:00 AM. - 5:00 P.M., Monday - Saturday. (Ord. 587, 9/4/1990, Pt. 1, §7; Amended by Ord. 695, 5/3/2004)

§109. Collection and Disposition. Collection of all refuse and the disposition thereof shall be in accordance with this Part 1A and such contract for refuse collection entered into from time to time by the Borough of Nazareth and a designated contractor as the result of public bid for the said contract. (Ord. 587, 9/4/1990, Pt. 1, §8)

§110. Late Payment Fees. Penalties for late payment shall be follows: If not paid within thirty (30) days of the billing date, ten (10) percent; if not paid within ninety (90) days of the billing date, one (1%) percent per month for each month in excess of ninety (90) days. In the event that legal action is required to collect delinquent accounts, a collection fee of Two Hundred (\$200.00) Dollars will be assessed for the commencement of the action, and a further cost of Two Hundred (\$200.00) Dollars for the filing of a municipal lien in addition to costs and expenses. This fee shall represent the attorney's fee for collection of the account. This fee shall be collectible in accordance with §3(a) of the Municipal Claim and Tax Lien Law. In the event that a collection action involves a trial, then additional fees shall be assessed at the rate per hour paid to the Borough Solicitor for preparation and attendance at trial and any additional proceeding.

Any person requesting certification of balance due or payoff of the delinquent account shall be liable for an administrative charge to be paid prior to receipt of the certification or payoff. Said administrative charge shall be established from time to time by resolution of Council of the Borough of Nazareth. (Ord. 587, 9/4/1990; as added by Ord. 612, 8/2/1993, §12; as amended by Ord. 638, 2/3/1997; as amended by Ord. 766, 10/4/2010; as amended by Ord. 780, 6/4/2012; as amended by Ord. 811, 9/8/2015; and as amended by Ord. 839, 1/7/2019.)

§111. Delinquent Accounts Collection Agency Costs.

1. Title. This Section shall be known as the "Delinquent Accounts Collection Agency Costs."

2. Schedule of Fees.

A. The Borough hereby approves the following schedule of agency fees for services in connection with the collection of delinquent accounts, which is hereby determined to be fair and reasonable compensation for the services of such an agency.

(1) For the collection of accounts under one year from date of service or last payment made by debtor: twenty-five (25%) percent.

(2) For the collection of accounts one year or over from date of service or last payment made by debtor: twenty-five (25%) percent.

(3) For the collection of accounts second placements: twenty-five (25%) percent.

B. The amount of fees determined as set forth above shall be added to the Borough's claim in each account.

3. Collection Procedures. The following collection procedures are hereby established to be the policy of the borough.

A. At least thirty (30) days prior to assessing or imposing agency fees in connection with the collection of a delinquent account, the Borough shall mail or cause to be mailed, by first class mail, postage prepaid, a notice of such intention to the delinquent account party or other entity liable for the account ("the account debtor").

B. All notices required by this Section shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the Borough, or such other address as it may be able to obtain from the County Assessment Office or elsewhere.

C. Each notice as described above shall include the following:

(1) The type of charge, the date it became due and the amount owed, including penalty and interest;

(2) A statement of the Borough's intent to impose or assess agency fees within thirty (30) days after the mailing of the notice.

(3) The manner in which the assessment of imposition of agency fees may be avoided by payment of the account; and

(4) The place of payment for accounts and the name and telephone number of the Borough official designated as responsible for collection matters.

4. Related Action. The proper officials of the Borough are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Section.

5. Severability. The provisions of this Section shall be severable, and if any provision hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Section.

6. Effective Date. This Section shall become effective immediately upon enactment or, if later, upon the earliest date permitted by law. (Ord. 807, 4/6/2015, Pt. 1; and as amended by Ord. 839, 1/7/2019)

§112. Regulations. The Council of the Borough of Nazareth reserves the rights to further implement this Part by rules and regulations, which it may pass by resolution from time to time. The rules and regulations shall be construed as a part of this Part. (Ord. 587, 9/4/1990, Pt. 1, §10; as amended by Ord. 807, 4/6/2015, Pt. 2; and as amended by Ord. 839, 1/7/2019)

§113. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 587, 9/4/1990, Pt. 1, §11; as amended by Ord. 595, 10/7/1991; as amended by Ord. 807, 4/6/2015, Pt. 3; and as amended by Ord. 839, 1/7/2019)



B. Collection and Disposal of Recyclables.

§121. Separation and Collection.

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

2. Responsibilities of Owners, Landlords and Agents. An owner, landlord, or agent of any owner or landlord of a multi-family housing property may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents of owners or landlords who comply with this Section shall not be liable for non-compliance of occupants of their buildings.

3. Yard Waste. All persons must separate leaf waste and yard waste from refuse generated at their houses, apartments, and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste. All persons shall separate leaf waste from other refuse. Leaf waste shall be placed loose in the street near the curb for collection on designated days. (As amended by Ord. 839, 1/7/2019)

4. Commercial Establishments and Community Activities. Persons must separate high-grade office paper, aluminum, corrugated paper, and leaf wastes generated at commercial establishments and from community activities and store the material until collection. A person may be exempted from this subsection if the person submits documentation to the Borough, annually, indicating the above recyclables are being recycled in an appropriate manner.

(Ord. 587, 9/4/1990, Pt. 2, §1)

§122. Designated Recyclables. Designated recyclables shall consist of the following:

- Office and mixed paper
- Cardboard and flatboard
- Newspapers, including colored inserts
- Manilla and brown folders
- Glossy paper
- Magazines
- Telephone books
- Bi-metal, tin and aluminum cans
- Empty aerosol cans
- Clear, green, and brown glass bottles and jars
- Plastics (numbers 1, 2, 3, 4, 5, 6, and 7)

(Ord. 587, 9/4/1990, Pt. 2, §2; as amended by Ord. 676, 06/04/2001; and as amended by Ord. 839, 1/7/2019)

§123. Ownership of Designated Recyclables. All designated recyclables placed by the resident for collection pursuant to this Part and regulations hereunder, shall, from time of pick-up, become the property of their hauler or the Contractor. (Ord. 587, 9/4/1990, Pt. 2, §3)

§124. Collection Prohibited. It shall be a violation of this Part, for any person, other than the hauler authorized by multi-family housing properties, or each commercial or the Contractor to collect designated recyclables placed by a resident for collection. Each unauthorized collection in violation hereof from one (1)

or more residences on one (1) calendar day shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. 587, 9/4/1990, Pt. 2, §4)

§125. Other Means of Recycling. Any resident may donate or sell designated recyclables to any person whether operating for profit or not, provided that the receiving person shall not collect such designated recyclables from the same collection point and at times used by a designated hauler or the Contractor. (Ord. 587, 9/4/1990, Pt. 2, §5)

§126. Fees. The Council of the Borough of Nazareth shall, from time to time by resolution, establish a schedule of fees for the collection of recyclables, and amend said schedule and system from time to time as need for amendment may arise. The proceeds of said fees shall be applied toward the general fund. The Council may also establish a schedule of fees for special collections. (Ord. 587, 9/4/1990, Pt. 2, §7; and as amended by Ord. 839, 1/7/2019)

§127. Regulations. The Council of the Borough of Nazareth reserves the rights to further implement this Part by rules and regulations, which it may pass by resolution from time to time. The rules and regulations shall be construed as a part of this Part. (Ord. 587, 9/4/1990, Pt. 2, §8; and as amended by Ord. 839, 1/7/2019)

§128. Warnings and Penalties.

1. Any person who shall violate any provision of this Part 1B shall receive an official written warning of non-compliance for the first offense. Thereafter all such violations shall be subject to the penalties hereinafter provided

2. Any person, other than a Borough official exercising his official duties, who violates any provision of this Part 1 B, any regulation promulgated hereunder, any order issued hereunder or the terms or conditions of any approved municipal waste management plan shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000) and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

(Ord. 587, 9/4/1990, Pt. 2, §9; as amended by Ord. 595, 10/7/1991; and as amended by Ord. 839, 1/7/2019)