

Chapter 20

Solid Waste

Part 1

Garbage, Rubbish and Refuse

- §20-101. Placement of Garbage, Rubbish and Trash in Containers
- §20-102. Deposit of Garbage and Refuse on Land of Another
- §20-103. Placement of Materials and Receptacles for Collection
- §20-104. Property Owners to Provide Containers; Number
- §20-105. Preparation of Materials for Collection
- §20-106. Owner Responsibility for Sanitary Condition of Property
- §20-107. Fees; Bills for Collection; Liens
- §20-108. Violations and Penalties

Part 2

Curbside Recycling

- §20-201. Title
- §20-202. Purpose
- §20-203. Definitions
- §20-204. Mandatory Recycling Program
- §20-205. Separation
- §20-206. Collection
- §20-207. Unauthorized Collection Prohibited
- §20-208. Recycling by Nonresidential Uses
- §20-209. Violations and Penalties
- §20-210. Rules and Regulations
- §20-211. Recycling Containers to Be Marked with Address

Part 1**Garbage, Rubbish and Refuse****§20-101. Placement of Garbage, Rubbish and Trash in Containers.**

Any person, firm or corporation setting out or causing to be set out any rubbish or waste paper shall place the same in metal containers to prevent any part thereof from being blown or scattered about. All trash and garbage containers shall, when placed for collection, be covered with a cover or lid of the same type material as the container.

(*Ord. 256, 10/7/1974, §1*)

§20-102. Deposit of Garbage and Refuse on Land of Another.

Whoever throws or causes to be thrown upon, or on the land of another, any garbage, glass, metal, refuse, ashes, tin cans, or any discarded or soiled property shall be in violation of this Part and subject to the penalty or penalties hereof.

(*Ord. 256, 10/7/1974, §2*)

§20-103. Placement of Materials and Receptacles for Collection.

No person, firm or corporation shall place upon the cartway or footway of any highway or in any public driveway any ashes, rubbish, garbage or other material or receptacle, to be collected by the Borough or other collector authorized by the Borough in front or at the side or rear of any property other than that occupied by the person, firm or corporation placing out such material for collection, unless the consent of the occupant or owner of such property be first obtained.

(*Ord. 256, 10/7/1974, §3*)

§20-104. Property Owners to Provide Containers; Number.

Within 30 days after the passage of this Chapter, any person, firm or corporation being the owner of any dwelling, apartment, business office, professional office, store, shop or any business place with three or more tenants shall provide a metal container or containers for the deposit of rubbish, wastepaper, glass material and other refuse. The number of containers shall depend upon the number of tenants or the size of the business. In the event of disagreement, the number of containers shall be determined by the Sewer and Sanitation Committee.

(*Ord. 256, 10/7/1974, §4; as amended by Ord. 274, 1/3/1978, §44-4*)

§20-105. Preparation of Materials for Collection.

1. Any newspapers placed for collection shall be tied in bundles weighing not more than 25 pounds each.

2. All garbage placed in a receptacle for collection shall, prior to deposit in said receptacle, be placed in a bag or wrapped and packaged in paper in a manner secure enough to prevent spillage from the paper.

3. Tree trimmings shall be securely tied together, and shall not be of a length more than 3 feet, nor weigh more than 25 pounds.

(*Ord. 256, 10/7/1974, §5*)

§20-106. Owner Responsibility for Sanitary Condition of Property.

The owner or owners of a property shall be solely responsible for the sanitary conditions thereof as required by this Chapter.

(*Ord. 256, 10/7/1974, §6*)

§20-107. Fees; Bills for Collection; Liens.

1. Annual fees to be paid to the Borough of Millbourne for the collection of refuse by the Borough of Millbourne provided by this Part are hereby established and adopted:

A. The owner of record of each residence building containing at least one but not more than six housing units shall be charged and pay the sum in an amount as established, from time to time, by resolution of the Borough Council per calendar year for each housing unit contained in said residence building. [*Ord. 447*]

B. The owner of record of each store, library, office, school, church, business or industrial or commercial building shall be charged and pay the sum in an amount as established, from time to time, by resolution of the Borough Council per calendar year for each such building, unless exempt under this Chapter. [*Ord. 447*]

2. All bills for collection of said annual fees shall be directed to the owners responsible for payment in the same manner as the annual Borough real estate tax bills and shall be subject to the same penalties and interest as provided by law for real estate taxes; i.e., a penalty of 5 percent shall be charged on all such bills not paid on or before June of each year. There shall be no discount. [*Ord. 286*]

(*Ord. 256, 10/7/1974; as added by Ord. 286, 12/3/1979, §1; and as amended by Ord. 334, 1/7/1991; by Ord. 339, 2/3/1992, §I; by Ord. 354, 1/7/1994; and by Ord. 447, 5/20/2015*)

§20-108. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 90 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. 256, 10/7/1974, §4; as amended by Ord. 274, 1/3/1978, §44-7; and by Ord. 447, 5/20/2015*)

Part 2**Curbside Recycling****§20-201. Title.**

This Part shall be known as the “Millbourne Borough Curbside Recycling Ordinance.”

(*Ord. 446, 5/13/2015, §I*)

§20-202. Purpose.

The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern because of the growing problem of solid waste disposal and its impact on the environment. The collection of used materials for the purpose of recycling by the residents of Borough will serve the public interest and will result in a financial advantage to the residents and taxpayers of Borough by reason of the income realized from the sale of these recyclable materials, as well as the cost avoidance from not landfilling the materials. It is vital that regulation of this collection be established to ensure that private interests are not promoted to the disadvantage of the residents and taxpayers of the Borough, as well as to encourage the fullest possible citizen participation in the program.

(*Ord. 446, 5/13/2015, §II*)

§20-203. Definitions.

Unless the context indicates otherwise, the following words and phrases shall be construed throughout this Part to have the following meanings:

Aluminum cans—cans manufactured solely from a metal commonly known as aluminum and commonly used to package beverages for human consumption.

Borough—the Borough of Millbourne, Delaware County, Pennsylvania.

Glass—all products made from silica or sand, soda ash and limestone; the product (glass) may be clear or in color and may be used as a container for packaging or bottling of various matter and all other material commonly known as “glass” (clear or colored).

Leaf waste—leaves and foliage of trees and shrubs, and foliar garden residues, but not including grass clippings or tree or shrubbery branches.

Municipal waste—any garden, 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 under Act 97 of 1980, the Solid Waste Management Act; from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

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, but not including paper of the type commonly referred to as “magazines.”

Person—any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, State government or agency, or any other legal entity whatsoever which is recognized by law as the subject to rights and duties. In any provisions of this Part prescribing a fine, imprisonment or penalty, or any combination thereof, the term “person” shall include the officers and directors of any corporation, partners of any partnership, members of any limited liability company or the individual persons in charge of any other legal entity.

Plastics—any material commonly known as “plastic” that contains a recycling symbol with a numeral inside it, designating it as a recyclable material. The definition shall not include items made of plastic that do not contain a recycling symbol with a numeral inside it.

Recyclable materials—glass, aluminum, steel and bi-metal cans, newspaper, plastics, cardboard and any other material that may be designated as a recyclable material by the Borough.

Recycling—the separation, collection, recovery and sale or reuse of recyclable materials, leaf waste, tree branches and other materials that would otherwise be disposed of or processed as municipal solid waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creations and recovery of reusable materials other than fuel for the operation of energy.

Recycling container—a bin issued by the Borough for the separation and collection of recyclable materials by persons occupying residences in the Borough.

Residence(s)—any single-family detached dwelling unit, single-family attached dwelling unit, or multiple dwelling unit from which the Borough collects municipal waste.

Source-separated recyclable materials—materials that are separated from municipal waste at the point of origin for the purpose of recycling.

(Ord. 446, 5/13/2015, §III)

§20-204. Mandatory Recycling Program.

There is hereby established a mandatory recycling program for the curbside collection of those recyclable materials designated herein from residences in the Borough.

(Ord. 446, 5/13/2015, §IV)

§20-205. Separation.

All persons who occupy residences in the Borough shall separate from municipal waste generated from the use and occupancy of said residence the following single stream recyclable materials, and place them together in one recycling container:

- A. *Newspaper*. Such newspaper shall be tied or otherwise secured in bundles e.g., paper shopping bags, which shall not exceed 25 pounds in weight.
- B. *Glass*. Such glass shall be free of food waste.
- C. *Aluminum, Steel and Bi-Metal Cans*. Such items shall be free of food

waste.

D. *Plastics*. Such plastics shall be free of food waste.

(*Ord. 446, 5/13/2015, §V*)

§20-206. Collection.

All persons who occupy residences in the Borough shall prepare all source-separated recyclable materials for collection by the Borough from all residences from which the Borough is presently collecting municipal waste. All source-separated recyclable materials shall be placed together (comingled) in the recycling container provided by the Borough. No municipal waste that is not recyclable materials shall be placed in the designated recycling container, and no recyclable materials shall be placed in a municipal waste container. The recycling container shall be placed curbside after sunset the night before the day designated by the Borough for collection of recyclable materials. Recycling containers shall be removed from the curb and placed indoors as soon as possible after collection, but in no event shall recycling containers be left outdoors more than 12 hours following collection.

(*Ord. 446, 5/13/2015, §VI*)

§20-207. Unauthorized Collection Prohibited.

It shall be unlawful for any person, whether acting individually or with others, or for a business entity, except for employees of the Borough engaged in the performance of their duties on behalf of the Borough, to collect the source-separated recyclable materials under this Part, unless such person has first obtained written permission from the Borough.

(*Ord. 446, 5/13/2015, §VII*)

§20-208. Recycling by Nonresidential Uses.

All persons owning nonresidential uses in the Borough shall provide for their own collection of source-separated recyclable material. Such persons shall provide written documentation to the Borough of the total number of tons recycled on an annual calendar-year basis. Such documentation shall be provided within 3 months after the end of each calendar year. Such persons shall provide suitable containers for collection of recyclable materials, easily accessible locations for collection of recyclable materials and written instructions for occupants in order to comply with the provisions of this Part.

(*Ord. 446, 5/13/2015, §VIII*)

§20-209. Violations and Penalties.

Any person who shall violate any of the provisions of this Part shall, upon the first violation, receive a notice of violation from the Code Enforcement Officer and shall be ordered to comply with the provisions of this Part. Upon a second or subsequent violation of the provisions of this Part, a non-traffic citation shall be issued. Upon conviction in a summary proceeding, a violator shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs and reasonable attorneys' fees for each second or subsequent violation of this Part, and, in default of payment of such fine, cost and fee, to undergo imprisonment for not less than 30 days for each violation of this

Part. Each day that a violation of this Part continues shall be deemed to be a separate violation.

(Ord. 446, 5/13/2015, §IX)

§20-210. Rules and Regulations.

The Borough shall have the authority to adopt, by resolution, such rules and regulations as may be deemed necessary for the operation of the recycling program established by the Part.

(Ord. 446, 5/13/2015, §X)

§20-211. Recycling Containers to Be Marked with Address.

All recycling containers shall be marked with the applicable address of the residence to which the container belongs. A permanent black ink magic marker should be used.

(Ord. 446, 5/13/2015, §XI)