

BOROUGH OF WRIGHTSVILLE
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006 - 5

AN ORDINANCE AMENDING CHAPTER 20 OF THE
WRIGHTSVILLE BOROUGH CODE OF ORDINANCES
ESTABLISHING A MANDATORY RECYCLING PROGRAM,
INCLUDING DEFINITIONS, PROHIBITED ACTS,
REGULATIONS FOR THE COLLECTION OF RECYCLABLES
AND VIOLATIONS AND PENALTIES

BE IT ENACTED AND ORDAINED by the Council of Wrightsville Borough, York County, Pennsylvania, as follows:

Section 1. Chapter 20 of the Wrightsville Borough Code of Ordinances is hereby amended by the addition of the following:

Part 2
Recycling

§ 201. Definitions.

The following words and phrases, when used in this article, shall have the meanings given to them in this section unless the context clearly indicates otherwise.

ALUMINUM CANS - Empty, all-aluminum, non-aerosol beverage and food containers.

BIMETAL OR STEEL CANS - Non-aerosol food or beverage containers consisting of all steel or of ferrous sides and bottom and an aluminum top (sometimes called "tin cans").

CARDBOARD - All corrugated or other cardboard normally used for packing, mailing, shipping or used to contain goods, merchandise or other material, but excluding plastic, foam, wax-coated or soiled cardboard.

COLLECTOR - An individual, partnership, firm, municipal authority, corporation or business entity licensed and designated by Wrightsville Borough Council as a person having a right and privilege to collect, haul, carry or remove municipal solid waste and/or recyclable materials from dwelling units and commercial establishments within the borough.

COMMERCIAL ESTABLISHMENTS - Any establishment engaged in a non-manufacturing or non-processing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

COMPOSTING - The process in which organic solid waste is biologically decomposed under controlled anaerobic and aerobic conditions to yield a nuisance-free humus-like product.

DWELLING - A building containing one or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodation areas for more or less transient occupancy.

DWELLING UNIT - One or more rooms in a residential building or in a mixed building, which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

GLASS CONTAINER - All empty bottles and jars made of clear, green or brown glass, but not including noncontainer glass, light bulbs, window or door plate glass, mirrors, porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER - All paper items generated primarily by offices and/or commercial establishments. This may include colored or white computer paper, copier paper, typing paper, letterhead paper, notepad paper and other similar office paper.

INSTITUTIONAL ESTABLISHMENTS - Facilities that house or serve groups of people, such as hospitals, schools, colleges, nursing homes and independent living or assisted living communities.

MAGAZINES and PERIODICALS - Printed matter usually consisting of glossy pages bound in some fashion containing miscellaneous written pieces published at fixed or varying intervals, excluding all other paper products of any nature whatsoever.

MULTIFAMILY DWELLING - A building containing three or more dwelling units (e.g., an apartment house).

MUNICIPAL ESTABLISHMENTS - Any school or public facility operated by Wrightsville Borough or other governmental or quasi-governmental authorities.

NEWSPAPER - Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts included with newspapers and not including magazines and periodicals and not including high-grade office paper.

PERSON - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency (including but not limited to the Department of General Services and the State Public School Building Authority) or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential dwelling, commercial establishment or institutional establishment. In any provisions of this article prescribing a fine, imprisonment or penalty, or any combination thereof, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTIC CONTAINER - Empty plastic soap, detergent or beverage containers, but not including plastic containers used for oils, paints, solvents, chemicals or otherwise potentially hazardous materials, and not including any other plastic product.

RECYCLING - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which 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 creation and recovery or reusable materials other than a fuel for the operation of energy.

RECYCLING BIN - The plastic container provided by Wrightsville Borough for the express purpose of storing recyclable materials for collection by a collector.

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

RESIDENTIAL DWELLING - Any dwelling, detached dwelling, group dwelling, multifamily dwelling, semidetached dwelling, one-family dwelling, townhouse dwelling, two-family dwelling or dwelling unit.

SOLID WASTE - Any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or container gaseous materials. The term does not include coal ash, drill cuttings or source-separated recyclable materials.

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

§ 202. Establishment of program.

Effective September 15, 2006, Wrightsville Borough will institute a mandatory collection program for source-separated recyclable materials from solid waste by persons residing in residential dwellings and commercial establishments from which solid waste is collected. Accordingly, all such affected persons must thereafter comply with the terms of this article.

§ 203. Source-separated recyclable materials from residential dwellings and commercial establishments.

- A. Source-separated recyclable materials for residential dwellings and commercial establishments shall include aluminum cans, bimetal or steel cans, glass containers, plastic containers, newspapers, magazines, junk mail, mixed paper and aerosol cans.
- B. Source-separated recyclable materials for residential dwellings and commercial establishments shall be placed in recycling bins either at the public street or alley edge where solid waste is normally placed, but such materials shall be separate from solid waste set out for collection.
- C. At such times and dates as may be established by Wrightsville Borough, source-separated recyclable materials for residential dwellings and commercial establishments shall be collected once every week.
- D. Source-separated recyclable materials for residential dwellings and commercial establishments shall be prepared for collection as follows:
 - (1) All newspaper, magazines, junk mail and mixed paper shall be placed in brown paper bags or tied with string in bundles not exceeding 35 pounds in weight nor exceeding one foot in thickness.
 - (2) Glass containers and plastic containers shall have caps and lids removed and discarded and said containers shall be rinsed free of contaminants.
 - (3) Aluminum cans and bimetal or steel cans shall be rinsed free of contaminants. Aerosol cans shall be empty.
 - (4) Glass containers and plastic containers, aluminum cans, bimetal or steel cans and aerosol cans shall be placed in the bin or bins provided by Wrightsville Borough. No solid waste shall be

shall be placed in a recycling bin.

- (5) Source-separated recyclable materials shall not be placed at the street or alley side earlier than 7:00 p.m. on the evening preceding a scheduled collection day. Source-separated recyclable materials must be placed at the street or alley side by 7:00 a.m. on the scheduled collection day. The bundled newspapers and the recycling bins, containing glass containers and plastic containers and aluminum cans and bimetal cans, shall be placed at the street or alley side for collection adjacent to one another and clearly separated from containers of solid waste.

§ 204. Source-separated recyclable materials from multifamily dwellings.

The owners, landlord or agent of an owner or landlord of multifamily dwellings shall establish a centralized collection system for source-separated recyclable materials. The centralized collection system must be submitted to Wrightsville Borough for review and approval. Source-separated recyclable materials for multifamily dwellings are identical to those of other residential dwellings. The centralized collection systems must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instruction to occupants concerning the use and availability of the centralized collection systems. Owners, landlords and agents who comply with this section shall not be liable for the noncompliance of occupants of their buildings.

§205. Source-separated recyclable materials from institutional and municipal establishments.

Institutional and municipal establishments shall separate and store source-separated recyclable materials until collection. Source-separated recyclable materials for institutional and municipal establishments shall include high-grade office paper, aluminum cans and cardboard. These establishments shall arrange for the transfer of source-separated recyclable materials to a recycling facility. These establishments shall annually provide to Wrightsville Borough, by January 15, on a form provided by Wrightsville, evidence of such arrangement and documentation of the total number of tons of the source-separated recyclable materials that were recycled during the previous calendar year.

§ 206. Collection contract.

Wrightsville Borough reserves the right to enter into a collection contract with a collector for collection of all (or part) of the recyclable materials from Wrightsville Borough.

§ 207. Collection by unauthorized persons; duty to collect.

- A. No person, other than a collector licensed by Wrightsville Borough shall collect or pick up or cause to be collected or picked up any recyclable materials from residential dwellings and commercial establishments that had been set aside for curbside pickup. Each such collection or pickup in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.
- B. All collectors designated and licensed by Wrightsville Borough must, as a condition of their license, collect or pick up or cause to be collected or picked up any recyclable materials from residential dwellings and commercial establishments that had been set aside for curbside pickup.

§ 208. Other prohibited acts.

- A. It shall be unlawful for:

- (1) Any person to violate or to cause or to assist in the violating of any provisions of this article

concerning recycling.

- (2) Any person to place or to cause to be placed any nonrecyclable materials in a recycling bin.
- (3) Any person to hinder, to obstruct, to prevent or to otherwise interfere with Wrightsville Borough or a licensed and designated collector in the performance of any duty under this article or in the enforcement of this article.
- (4) Any person to cause or to allow their pets to cause recycling materials to be scattered or spilled from recycling bins or bundles that have been placed for collection.
- (5) Any person to remove a recycling bin from the property of a residential dwelling or commercial establishment or the public street or alley edge adjacent to said property.
- (6) Any person to cause willful damage to and/or engage in the unauthorized use of recycling bins.

B. All unlawful conduct set forth in this section shall constitute a public nuisance.

§ 209. Noncollection of solid waste mingled with designated recyclables.

A collector may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this article.

§ 210. Other means of residential recycling.

Notwithstanding anything herein to the contrary, any resident of Wrightsville Borough may donate or sell any recyclable material to any other person; provided, however, that the person receiving the recyclable material does indeed recycle it and does not, under any circumstance, collect the donated or sold recyclable material from the curbside. All recycling bins and newspaper bundles placed at the curbside are deemed to contain recyclable materials intended for a licensed and designated collector.

§ 211. Noninterference with existing contracts.

- A. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in Wrightsville Borough on the effective date of this article.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after adoption of this article, unless such renewal or such contract shall conform to the requirements of this article.

§ 212. Violations and penalties.

Any person, firm or corporation who or which shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$600, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this article continues shall constitute a separate offense.

§ 213. Suit in equity.

In addition to any remedy provided in this article, Wrightsville Borough may institute a suit in equity or order to enjoin any unlawful conduct undertaken in contravention of this article or to compel persons to

persons to comply with the requirements of this article.

Section 2. All Ordinances or parts of Ordinances which are inconsistent therewith are hereby repealed.

ENACTED AND ORDAINED THIS 2nd day of October, 2006.

ATTEST:

WRIGHTSVILLE BOROUGH COUNCIL

Carla Seal
Secretary

By: [Signature]
President

APPROVED this 2nd day of October, 2006.

By: [Signature]
Mayor