

BOROUGH OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE NO. 2004-1

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF STRASBURG, LANCASTER COUNTY, PENNSYLVANIA, CHAPTER 20, SOLID WASTE, TO ADD A NEW PART 1, SOLID WASTE AND RECYCLING ORDINANCE.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Strasburg, Chapter 20 thereof, Solid Waste, shall be amended by inserting a new Part 1, Solid Waste and Recycling, which shall provide as follows:

**Part 1
Solid Waste and Recycling**

§101. Short Title. This Part shall be known and may be cited as the Strasburg Borough Solid Waste and Recycling Ordinance.

§102. Background and Legislative Intent. Act 97 established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste. Pursuant to the requirements of Act 97 and the request of each municipality within Lancaster County, the Board of Commissioners prepared and adopted the 1986 Lancaster County Solid Waste Management Plan ("1986 Plan"). The 1986 Plan was (a) adopted by each municipality within the County and (b) approved by the Pennsylvania Department of Environmental Resources. The 1986 Plan provided for a comprehensive and integrated County-wide system for solid waste management (the "System") which included, *inter alia*, (a) construction of a resource recovery facility for incineration of municipal waste and generation of energy, (b) expansion of the then existing Creswell Landfill, (c) construction of transfer facilities throughout the County and (d) development of a recycling program.

In order to implement the 1986 Plan and finance the System the County and each municipality within the County (a) enacted certain waste flow control ordinances and (b) entered into a joint cooperation agreement ("Inter-Municipal Agreement"). The

1986 Plan (a) determined that it was in the public interest for solid waste management and disposal to be a public function, (b) established LCSWMA and (c) designated LCSWMA as the public agency responsible for designing, financing, constructing and operating the System.

Act 101 was approved on July 28, 1988. Act 101 gave certain municipalities, including Strasburg Borough, the responsibility for developing and implementing within their boundaries a source separation and collection program for recyclable materials and a system for the collection of municipal waste. Pursuant to Act 101 and the request of the County Board, LCSWMA has prepared (as a revision to the 1986 Plan) the Lancaster County Municipal Waste Management Plan of 1990 (the "1990 Plan"). The 1990 Plan provides for the establishment and implementation by certain municipalities of source-separation and collection programs for recyclable materials in order to conform to Act 101 and to support and maintain the System. Strasburg Borough has ratified the 1990 Plan.

Strasburg Borough and the County have (a) engaged in mutual and beneficial cooperation and coordination under the 1986 Plan and the Inter-Municipal Agreement and (b) have effected an effective, efficient, reliable and environmentally safe system for the storage, collection, transportation, processing and disposal of municipal waste. Pursuant to Act 101 and the request of the County Board of Commissioners, LCSWMA has prepared (as a revision to the 1990 Plan) the Lancaster County Municipal Waste Management Plan of 1999 (the "1999 Plan"). It is desirable and appropriate to continue such cooperation by implementing a recycling program and a municipal waste collection system which is consistent with the 1990 Plan, the 1999 Plan, the Inter-Municipal Agreement, the System and Act 101.

§103. Definitions. Any capitalized term, if not defined in this Part, shall have the meaning as from time to time set forth in the LCSWMA Rules and Regulations which are incorporated into this Part by reference. In addition, as used in this Part, the following terms shall have the following meanings:

ACT 97 - The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended.

ACT 101 - The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.

ALUMINUM - All food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates and miscellaneous aluminum products.

BATTERY BAGS - Bags which LCSWMA makes available to Generators of Municipal Waste and which shall be used as disposal containers for batteries which are generated in households.

BOROUGH - The Borough of Strasburg, Lancaster County, Pennsylvania.

BOROUGH COUNCIL - The governing body of the Borough.

BOROUGH'S POLICIES AND PROCEDURES - The rules and regulations adopted and revised from time to time by the Borough which govern and pertain to (a) the Borough's Recycling program and (b) the on-site collection or storage of Regulated Municipal Waste within the Borough.

CLEAR GLASS - Clear Glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COLORED GLASS - Colored Glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COMMENCEMENT DATE - April 1, 2004, the date upon which the Borough's recycling program and Permitted Collector program begin.

COMMINGLED - Designated Recyclable Materials (a) which have been segregated from Regulated Municipal Waste but which have not been separated into different types of Recyclable Materials and (b) which have been placed in a Recycling Container for the purpose of collection.

COMMONWEALTH - The Commonwealth of Pennsylvania.

COMMUNITY ACTIVITIES - Events that are sponsored by public or private agencies or individuals, including but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

COMPOSTING - The process by which solid organic waste is biologically decomposed under controlled aerobic or anaerobic conditions to yield a humus-like product.

CURBSIDE - The correct location for the placement of Refuse Containers and Recycling Containers for the purpose of collection by the Permitted Collector, which shall be (a) adjacent to the Residential Unit and (b) no more than five (5) feet from the public street used by collection vehicles.

CUSTOMER - A Person who independently contracts with a Permitted Collector for the collection of Regulated Municipal Waste and Designated Recyclable Materials.

DESIGNATED RECYCLABLE MATERIALS - Those Recyclable Materials designated in §107 of this Part for Source Separation.

EXISTING CONTRACT - Any contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials generated or located within the Borough which (a) was legally entered into prior to the effective date of this Part and (b) when entered into was legally enforceable.

FACILITY - Any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which Solid Waste or Source Separated Recyclable Materials, or any portion of Solid Waste or Source Separated Recyclable Materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of Solid Waste or Source Separated Recyclable Materials.

FARM - A tract of land containing ten (10) or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

GENERATOR - A Person who produces or creates any Solid Waste.

HAZARDOUS WASTE - Garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (i) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or
- (ii) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (a) coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§30.51-30.62), (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1691.1001), (c) solid or dissolved material in domestic sewage, (d) solid dissolved materials in irrigation return flows, (e) industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. §1342), or (f) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2394).

LCSWMA - The Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the Municipality Authorities Act , as amended.

LCSWMA FACILITY - Any Facility owned or operated by or on behalf of LCSWMA.

MANIFEST - A form supplied by LCSWMA to be completed and signed by each Person who collects or transports Solid Waste or Source Separated Recyclable Materials and

which specifies, inter alia, (a) the source, type, quantity and delivery point for the Solid Waste or Source Separated Recyclable Materials, (b) the applicable license number and (c) other pertinent information.

MULTI-FAMILY UNIT - A property which contains four (4) or more Residential Units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding Farms.

NEWSPRINT - Paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

NON-RESIDENTIAL UNITS - All commercial, municipal and institutional establishments, all Community Activities and all Farms, excluding Residential Units and Multi-Family Units.

OPEN BURNING - A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PERMITTED COLLECTOR - A Person who is in possession of all pertinent permits and licenses which may be required by (a) the Commonwealth and LCSWMA for the off-site collection, transportation, storage or disposal of Solid Waste or Recyclable Materials and (b) the Borough for the on-site collection of Solid Waste or Recyclable Materials generated within the Borough.

PERSON - Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTICS - Recyclable Plastics are identified on the bottom of the container and consist of two (2) types of containers, namely: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

RECYCLABLE MATERIALS - Any material which would be Regulated Municipal Waste but for Source Separation and which will be processed into raw materials or products or which are beneficially reused.

RECYCLING - The separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as Solid Waste or the mechanized separation and treatment of Solid Waste and creation and recovery of reusable materials.

RECYCLING CONTAINER - For Residential Units, the term "Recycling Container" shall refer to the container supplied by the Borough. For Multi-Family Units and Non-Residential Units, the term "Recycling Container" shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has adequate strength for lifting.

REFUSE CONTAINER - A container which is (a) constructed of plastic, metal, or fiberglass, and which has handles of adequate strength for lifting and a tight fitting lid capable of preventing entrance into the container by vectors or (b) a polyethylene bag which (i) is specifically designed for storage and collection, (ii) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (iii) has a holding strength capable of withstanding normal stresses until it is collected.

REGULATED MUNICIPAL WASTE - Any Solid Waste generated or collected within the Borough which is garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid 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 Waste or Hazardous Waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include Designated Recyclable Materials or Unacceptable Waste.

RESIDENTIAL UNIT - Any single-family detached, semi-detached or townhouse dwelling, or a dwelling unit within a building containing three (3) or fewer dwelling units, excluding Farms.

RESIDUAL WASTE- Any garbage, refuse, other discarded material or other Waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (a) coal refuse as defined in the Coal Refuse Disposal Act or (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under The Clean Streams Law.

SCAVENGING - The removal of Designated Recyclable Materials in violation of §111 of this Part.

SINGLE STREAM - A system where Recyclable Materials; commonly fibers and glass, metal and plastic containers; are collected and processed together.

SOLID WASTE OR WASTE - Any waste, including but not limited to Municipal, Residual, or Hazardous Wastes, including solid, liquid, semisolid or contained gaseous materials.

SOURCE SEPARATE OR SOURCE SEPARATION - The process of separating, or the separation of, Designated Recyclable Materials from other Solid Waste at the location where generated for the purpose of Recycling.

STEEL CANS - The ferrous metal food or beverage containers commonly known as tin cans.

TIRES - Any pneumatic rubber automobile, truck, or farm implement tire.

UNACCEPTABLE WASTE - The following types of Solid Waste are Unacceptable Waste unless approved by LCSWMA on a case-by-case basis:

- (i) Chemotherapeutic Waste;
- (ii) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue;
- (iii) Explosives and Ordnance Materials;
- (iv) Gas cylinders, unless empty and delivered separate from other Solid Waste;
- (v) Hazardous Waste;
- (vi) Infectious/Pathological Waste; and
- (vii) Radioactive Materials.

WHITE GOODS - A portion of Regulated Municipal Waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

YARD WASTE - All garden residues, leaves, shrubbery, tree trimmings, grass clippings, and sod.

§104. On-Site Collection of Regulated Municipal Waste and Designated Recyclable Materials.

1. Collection and Recycling.

A. No Person other than a Permitted Collector shall collect on-site Regulated Municipal Waste or Designated Recyclable Materials generated in any Residential Unit or Multi-Family Unit, except that a Person may collect such Waste or Recyclable Materials which were generated at such Person's residence.

B. Each Permitted Collector who provides regularly scheduled service for the collection of Regulated Municipal Waste from a Residential Unit or Multi-Family Unit shall also collect Designated Recyclable Materials from such Residential Unit or Multi-Family Unit. Each Permitted Collector shall establish, and notify each Customer, of procedures for the Source Separation, segregation and packaging of Regulated Municipal Waste and Designated Recyclable Materials. Such procedures shall permit commingling of all Aluminum, Clear Glass, Colored Glass, Steel Cans, and Plastics, in a single Recycling Container. Newsprint shall either be bagged or bundled in accordance with instructions from the Permitted Collector to the Customer. Each Permitted Collector shall schedule collections for Tires and White Goods at least once annually and shall give Customers at least 30 day advance notice of the schedule for such collections.

C. Each Permitted Collector shall complete monthly LCSWMA manifests,

as required, reporting the amount of Regulated Municipal Waste and Designated Recyclable Materials collected in the Borough. Each Permitted Collector shall submit copies of LCSWMA manifests to the Borough, upon request.

D. The schedule for collection of Regulated Municipal Waste and Designated Recyclable Materials shall be as specified in the Borough's Policies and Procedures.

E. Recycling Containers for Residential Units will be provided by the Borough which shall retain title to all such Recycling Containers. Permitted Collectors shall distribute Recycling Containers to all of their Residential Unit and Multi-Family Unit Customers in accordance with guidelines to be established by the Borough.

2. General.

A. All Regulated Municipal Waste and Designated Recyclable Materials generated or collected in the Borough shall be delivered directly to a Facility in accordance with the LCSWMA Rules and Regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such Regulated Municipal Waste and Designated Recyclable Materials from the time of its collection until the time of its delivery to the Facility.

B. No Permitted Collector who collects or disposes of Regulated Municipal Waste or Designated Recyclable Materials shall, by contract or otherwise, cause, permit or assist in the storage, collection, processing or disposal of Designated Recyclable Materials in a manner which treats such materials as Regulated Municipal Waste or which is otherwise inconsistent with Source Separation or Recycling. Any delivery of Designated Recyclable Materials to a LCSWMA Facility in accordance with the LCSWMA Rules and Regulations shall be deemed to satisfy the requirements of this §104.2.B.

C. Each Permitted Collector shall give written notice to each Customer of such Permitted Collector's obligations under this Part and particularly the requirement to offer collection services for Designated Recyclable Materials.

D. Each Permitted Collector shall collect and deliver separately, to a LCSWMA Facility battery drop-off location, all Battery Bags placed at Curbside by Residential Units.

§105. Collector Permits.

1. All Persons who desire to collect, store, process or dispose of Regulated Municipal Waste or Designated Recyclable Materials within the Borough shall obtain a collection permit from the Borough prior to performance of any such activities.

2. Every Person desiring a collection permit under this Part shall make application to the Borough. Such application shall include the name and address of the Person making application, proof of a valid license issued by LCSWMA and the Commonwealth, identification of other municipalities which have permitted that Person, and whether any licenses or permits have been revoked by LCSWMA or any other municipality which requires permitting of haulers.

3. Applicants for a collection permit to operate as a Permitted Collector within the Borough shall demonstrate that:

A. A valid license has been issued by LCSWMA to the applicant.

B. Applicant's operation is in conformity in all respects with the rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA, and all Borough Ordinances and the Borough's Policies and Procedures.

C. Regulated Municipal Waste and Designated Recyclable Materials, while in the possession of the Permitted Collector, shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors, or the creation of other nuisances.

D. All disposal of Regulated Municipal Waste other than Designated Recyclable Materials shall be at a Facility.

E. All Designated Recyclable Materials properly separated as provided in this Part shall be recycled and shall not be disposed of as Regulated Municipal Waste.

F. Insurance shall be obtained for the applicant's proposed operation in the Borough. A certificate of insurance demonstrating limits as follows:

(1) Required Liability Insurance - The minimum liability insurance required under State Law.

(2) General Liability - Bodily injury, \$100,000 per occurrence, and property damage, \$100,000 per occurrence.

(3) Workers' Compensation - As required by law.

(4) All equipment to be used has been properly licensed and inspected, and all operators have valid operator's licenses for the class of vehicle operated.

G. The Permitted Collector has established a reasonable schedule of collection and will adhere to such schedule.

4. All Borough collection permits shall be issued for a period of one (1) year or longer. The Borough's Policies and Procedures may designate a sticker or other mechanism to be affixed to all collection equipment in order to verify that the equipment is properly permitted.

5. Collection permits may be suspended or revoked by the Borough at any time for just cause. Just cause shall include, but not be limited to, where the Permitted Collector:

A. Fails to maintain a valid license issued by LCSWMA and/or the Commonwealth.

B. Violates any of the provisions of this Part or the Borough's Policies and Procedures.

C. Improperly disposes of Designated Recyclable Materials or Regulated Municipal Waste.

D. Scavenges.

E. Fails to perform in good faith all the covenants of any agreement entered into with Customers.

F. Fails to make regularly scheduled collection pursuant to a previously established schedule.

G. Commits any illegal act or any fraudulent or unfair business practice within the Borough.

6. Any Person who has been denied a collection permit or whose collection permit has been suspended or revoked may appeal the denial, suspension or revocation to the Borough. Such appeal shall be made in writing within ten (10) days after such decision has been made and notice has been mailed to the applicant or Permitted Collector. The appeal shall be verified by an affidavit and shall be filed with the Borough Secretary. The appellant or his representative shall have the right to appear and be heard by Borough Council at a regularly or specially scheduled public hearing, held within sixty (60) days of receipt of the notice to appeal if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the Borough, and no appeal shall be considered complete without the payment of the appeal fee. Borough Council shall make a prompt decision on such appeal and communicate the decision to the appellant in writing.

7. Collection permits are not transferrable to any other Person.

§106. Responsibilities of Residential Units and Multi-Family Units.

1. Each Person who owns or occupies a Residential Unit or Multi-Family Unit is

encouraged to Source Separate Designated Recyclable Materials from Regulated Municipal Waste separated at such Residential or Multi-Family Unit. Each Person may elect to provide proper collection and disposal of Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Units or Multi-Family Units by either (a) themselves delivering such materials to a Facility or (b) utilizing a Permitted Collector to collect and deliver such materials to a Facility.

2. Each Person who owns a Multi-Family Unit is encouraged to:

A. Provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials;

B. Provide written instructions to all Persons occupying each Multi-Family Unit to ensure that all Designated Recyclable Materials are Source Separated; and

C. Provide collection and delivery to a Facility of Source Separated Designated Recyclable Materials at a frequency of not less than once per month.

§107. Designated Recyclable Materials.

1. Each Person who elects to participate in Recycling pursuant to this Part may Source Separate the following Recyclable Materials: [i] Clear Glass, [ii] Colored Glass, [iii] Aluminum, [iv] Steel Cans, [v] Plastic, [vi] Newsprint, [vii] Tires, and [viii] White Goods.

2. Each Person who owns or occupies a Multi-Family Unit may Source Separate the following Recyclable Materials: [i] Clear Glass, [ii] Colored Glass, [iii] Aluminum, [iv] Steel Cans, [v] Plastic, [vi] Tires, and [vii] White Goods.

§108. Illegal Dumping and Open Burning.

1. No Person shall store, process or dispose of any Regulated Municipal Waste or Designated Recyclable Materials except at a Facility or in preparation for collection by a Permitted Collector as provided herein. Notwithstanding the foregoing, Yard Waste may be composted to the extent and in the manner provided in the Borough's Policies and Procedures on the property on which such Yard Waste was generated.

2. No Person shall process or dispose of any Designated Recyclable Materials through Open Burning.

§109. Storage of Regulated Municipal Waste and Designated Recyclable Materials by Residential Units, Multi-Family Units, and Nonresidential Units.

1. General Regulations.

A. All Regulated Municipal Waste and Recyclable Materials shall be

stored so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

B. A sufficient number of containers shall be provided by Generators to contain all Regulated Municipal Waste and Recyclable Materials generated during periods between regularly scheduled collection as may be necessary to meet the requirements of §109.1.A.

C. All storage practices shall, at a minimum, conform to the requirements of all applicable Federal, State and local laws and regulations.

D. Each Person having Regulated Municipal Waste or Designated Recyclable Materials shall provide themselves with approved Refuse and Recycling Containers and shall place and keep all Regulated Municipal Waste and Designated Recyclable Materials therein. Solid Waste of a nondecomposable nature and Rubbish may be stored in tightly secured bundles of such size to be readily handled at time of collection and so as to minimize litter.

E. Bulky Waste shall be stored so that collection of water and harborage of rodents are prevented.

F. Containers shall be stored on the property where the Regulated Municipal Waste and Designated Recyclable Materials are generated.

G. Regulated Municipal Waste or Source-Separated Recyclable Materials from Residential Units shall not be stored at curbside prior to collection.

H. No Regulated Municipal Waste or Source-Separated Recyclable Materials shall be placed at curbside for collection more than twenty-four (24) hours in advance of the scheduled time for collection.

2. Disposable Containers. Disposable Refuse Containers such as paper and polyethylene bags shall be acceptable for storage of Regulated Municipal Waste provided the following conditions are met:

A. Only those bags specially designed for storage and collection shall be used.

B. Bags shall be protected against precipitation, animal damage and overloading to prevent littering or attracting of vectors.

C. Bags shall have a holding strength capable of withstanding stresses until they are collected.

D. Bag openings shall be securely closed prior to setting out for collection.

3. Recycling Containers.

A. Individual Recycling Containers utilized for the collection of Recyclable Materials at Residential Units shall comply with the following requirements:

(1) The container shall be a container provided by the Borough made of rigid plastic construction, with a capacity of not more than thirty (30) gallons.

(2) Title to individual Recycling Containers shall remain in the Borough.

(3) The Borough shall replace any Recycling Containers which are damaged when the damaged container is returned to the Borough. Stolen or lost containers will be replaced for a fee.

B. Bulk Recycling Containers utilized for the storage of Recyclable Materials at Multifamily and Nonresidential Units shall comply with the following requirements:

(1) The container shall be constructed of plastic, metal or fiberglass and is suitable for the purpose.

(2) Title to bulk Recycling Containers shall remain in the Owner or the Permitted Hauler.

§110. Preparation of Regulated Municipal Waste and Designated Recyclable Materials.

1. All Persons within the Borough are encouraged to Source Separate all Designated Recyclable Materials.

2. All Regulated Municipal Waste and Designated Recyclable Materials shall be drained free of liquids before storage.

3. All cans, bottles or other food containers shall be rinsed free of food particles and drained before storage.

4. Newsprint shall be tied in bundles or placed in paper grocery bags.

§111. Scavenging. From the time of placement for collection of any Designated Recyclable Materials, all such Designated Recyclable Materials shall be the property of the Generator or the Permitted Collector who has contracted to provide collection. It shall be a violation of this Part for any Person, other than such Permitted Collector, to collect or pick up, or cause to be collected or picked up, any such Designated Recyclable Materials. Nothing in this section shall be deemed to include the collection

of roadside litter or uncontained refuse for proper disposal or recycling.

§112. Existing Contracts.

1. Nothing in this Part shall be construed to impair the obligations of any Existing Contract.

2. No renewal or modification of any Existing Contract, and no new contract for the storage, on-site collection, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials, shall be entered into after the effective date of this Part unless the Permitted Collector shall have a valid permit and such renewal, modification, or new contract shall conform to the requirements of this Part and the Borough's Policies and Procedures.

3. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this §112 shall provide for on-site collection services for Regulated Municipal Waste to be performed after the Commencement Date unless on-site collection services are also offered for Designated Recyclable Materials. With respect to any contract which violates this Part, such contract shall be deemed void and the Permitted Collector that is a party to such contract (a) shall reimburse to the applicable Residential Units and Multi-Family Units any funds which have been paid for such on-site collection services as violate this Part and (b) shall not collect or attempt to collect any funds for such on-site collection services which are in violation of this Part.

§113. Authorization of the Borough. The Borough shall have the power to adopt from time to time by resolution the Borough's Policies and Procedures governing all matters set forth in this Part and any other related matters as may be deemed necessary or convenient by the Borough. The Borough's Policies and Procedures shall be effective when adopted and issued in writing. The Borough shall have the power to establish record and reporting requirements, and standards and procedures for the issuance, administration and revocation of collection permits, as deemed necessary, including without limitation, (a) application procedures, fees, standards and conditions for collection permits, (b) the fixing of a monetary bond, with or without surety, to secure the compliance by any Permitted Collector with any such requirements, standards or procedures, and (c) any other matters deemed necessary or convenient by the Borough. In the event of suspension or revocation of any license or permit which is issued by the Borough or LCSWMA or the Pennsylvania Department of Environmental Protection, the Person whose collection permit is suspended or revoked shall refund to each Customer any prepaid fees, prorated to the date such revocation becomes final.

§114. Unlawful Activity. It shall be unlawful for any Person to violate, or cause or permit or assist in the violation of, any provision of this Part. All unlawful conduct shall also constitute a public nuisance.

§115. Penalty. Any Person violating any provision of this Part, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not more than one thousand (\$1,000.00) and costs of prosecution and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty

(30) days. Each violation of any provision of this Part, and each day that such a violation shall exist, shall constitute a separate violation and offense.

§116. Persons Liable. For purposes of the obligations established by this Part or the Borough's Policies and Procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "Person", "Residential Unit" and "Multi-Family Unit" shall (a) include officers and directors of any corporation or other legal entity having officers and directors and (b) refer to, and impose joint and several liability upon, both (i) the person residing in or occupying any such Residential or Multi-Family Units and (ii) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises. Further, the term "Permitted Collector" shall include any entity, partnership, proprietorship, or corporation and the owners and/or officers of same.

§117. Injunctive Relief. In addition to any other remedy provided in this Part, the Borough may institute proceedings to restrain any violation of, or to require compliance with, this Part.

§118. Concurrent Remedies. The existence or exercise of any remedy provided by this Part shall not prevent the Borough from exercising any other remedy available at law or equity.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Borough of Strasburg shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 9th day of March, 2004, by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President

Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 9th day of March, 2004.

Mayor