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SOLID WASTE**

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## PART 1

**SOLID WASTE AND RECYCLING****§ 20-101. Purpose. [Ord. 1060, 8/17/2004, § 101]**

The purpose of this Part is to protect the health, safety and welfare of the residents of the Borough of Mechanicsburg by regulating the collection, storage, transportation, removal, recycling, dumping, depositing and disposal of solid waste materials generated or located within the Borough by:

- A. Instituting a comprehensive residential solid waste management program.
- B. Establishing a mandatory recycling program in accordance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, P.L. 556, as amended, 53 P.S. § 4000.101, et seq., as amended.

**§ 20-102. Definitions. [Ord. 1060, 8/17/2004, § 102]**

Words, terms and phrases defined in the Municipal Waste Planning, Recycling and Waste Reduction Act shall have the meaning set forth therein. In addition, the following words, terms and phrases, when used in this Part, shall have the meaning as set forth in this Section, unless the context in which such word, term or phrase is used clearly indicates otherwise:

**ALUMINUM** — The lightweight ductile and malleable metallic substance or element commonly known as aluminum and shall include all empty aluminum food and beverage cans, except aluminum foil, trays, plates and miscellaneous aluminum products.

**ASHES** — The residue from the burning of wood, coal, coke or other combustible materials.

**BIMETALLIC CANS** — All food and beverage containers consisting of a steel (ferrous) cylinder and bottom and an aluminum top.

**BOROUGH** — The Borough of Mechanicsburg, Cumberland County, Pennsylvania.

**BOROUGH COUNCIL** — The duly elected or appointed members of Borough Council acting on behalf of the Borough.

**COMMERCIAL ESTABLISHMENT** — Those properties used primarily for commercial or industrial purposes or have a mix of commercial and residential uses in the same structure; excluding, however, those establishments which are institutional or municipal as hereinafter defined. In addition, commercial establishment shall include multifamily rental housing properties with 10 or more units. **[Amended by Ord. 1146, 6/16/2015]**

**CONTRACTOR** — The person, partnership, firm, corporation or other business entity designated by the Borough Council, by means of a contract, to have the exclusive right and privilege to collect, haul, carry, remove and dispose of all garbage, trash, ashes, rubbish, refuse and recyclable materials from residential establishments within the Borough.

**CORRUGATED PAPER** — Paper or pasteboard contracted into parallel grooves and ridges, commonly referred to as "cardboard," which is used for wrapping, packing, shipping and/or storage.

**DWELLING** — A building used for residential purposes, except hotels, boarding and lodging houses, tourist cabins and motels.

**DWELLING UNIT** — A living area comprised of one or more rooms used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, and its own sanitation facilities with bath and toilet fixtures, all arranged for occupancy by one person, one family or more than one person living together as a family unit.

**GARBAGE** — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food including all table refuse, animal and vegetable matter, offal from meat, fish and fowl, fruits, vegetables and parts thereof and all other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

**GLASS** — The hard, brittle, transparent or partially transparent substance produced by the fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually or conveniently included in the manufacture of glass; and shall for the purpose of this Part include all materials commonly known as glass bottles or containers. This definition includes all food and beverage containers made of clear or colored glass. Excluded from this definition are blue glass, ceramics, pottery and flat glass commonly known as "window" or "plate" glass.

**HAZARDOUS WASTE** — Any chemical compound, mixture, substance or article, which is designated by the United States Environmental Protection Agency or any appropriate agency of the Commonwealth of Pennsylvania to be "hazardous" as that term is defined by or pursuant to federal or state law.

**HDPE** — High-density polyethylene.

**HIGH-GRADE OFFICE PAPER** — Printed or unprinted sheets, shavings and cuttings of sulphite or sulphate ledger, bond, writing and other pages, which have similar fiber and filler content. This grade must be free of treated, coated, padded or heavily printed stock. This includes lightweight office papers, i.e., bond, copy paper and onion skin, as well as computer paper.

**INSTITUTIONAL ESTABLISHMENT** — Those facilities that house or serve groups of people for a common purpose, including, but not limited to hospitals, nursing homes, day care centers, group homes, libraries and nonprofit associations.

**LEAF WASTE** — Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

**MANAGER** — The Borough Manager duly appointed by the Borough Council.

**MATERIAL** — Includes garbage, trash, ashes, refuse and rubbish.

**MULTIFAMILY DWELLING** — A residence having at least two, but not more than 10, dwelling units per structure. **[Amended by Ord. 1146, 6/16/2015]**

**MUNICIPAL ESTABLISHMENT** — Public facilities operated by the Borough of Mechanicsburg and other governmental authorities.

**MUNICIPALITY** — The Borough of Mechanicsburg, Cumberland County, Pennsylvania.

**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; "newspaper" does not include magazine paper.

**OWNER** — The actual owner of a dwelling as indicated in the real estate records of the County of Cumberland.

**PERSON** — Any individual, partnership, corporation, association, institution, cooperative enterprise or other entity. In any provisions of this article 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 or directors.

**PET** — Polyethylene terephthalate.

**PLASTIC** — A class of synthetic organic compounds capable of being molded, extruded, cast, or otherwise fabricated into various shapes. It includes #1 high density polyethylene (HDPE) and #2 polyethylene terephthalate (PET). It excludes low density polyethylene (LDPE), polypropylene (PP) and polyvinylchloride (PVC).

**PROCESSING CENTER** — Any facility maintained for the purpose of storing, preparing and/or consolidating, recyclable materials for sale.

**RECYCLABLE MATERIAL** — Includes colored and clear glass, aluminum, steel cans, bimetallic cans, plastic, newspaper, magazines, junk mail, empty

aerosol cans leaf waste and such other materials as the Borough Council may designate from time to time by ordinance.

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

**RECYCLING COLLECTION SERVICES** — The following services to be performed by the Contractor: (1) collection and conveyance of recyclable materials; (2) processing of recyclable materials as applicable; and (3) marketing of the recyclable materials.

**REFUSE** — All putrescible and nonputrescible solid wastes (excluding body wastes), but including garbage, trash, rubbish, ashes and street cleanings.

**RESIDENTIAL ESTABLISHMENT** — Any occupied single or multifamily dwelling, except multifamily dwellings with 10 or more units. **[Amended by Ord. 1146, 6/16/2015]**

**RESIDENTIAL SOLID WASTE** — Garbage, ashes, refuse, rubbish, trash and other nonsewage or non-wastewater waste materials normally generated in domestic family living, but shall exclude hazardous waste and leaf waste.

**SOLID WASTE** — Refuse, rubbish, garbage, ashes, trash and any other non-sewage or non-wastewater waste materials excluding hazardous waste and leaf waste.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** — Recyclable materials that are separated from solid waste at the point of origin for the purpose of recycling.

**STEEL CANS** — Empty, all-steel (ferrous) beverage and food containers.

**§ 20-103. Recycling Program. [Ord. 1060, 8/17/2004, § 103]**

There is hereby established a program for the mandatory source separation of Recyclable Materials from Solid Waste by persons located in Mechanicsburg Borough.

**§ 20-104. Recycling—Residential Establishments. [Ord. 1060, 8/17/2004, § 104]**

1. Residential Establishments.
  - A. Residents of residential establishments are hereby required to source-separate all recyclable materials as specified by the Borough from

other solid waste generated at their homes, apartments, dwelling units and other residential establishments and to store such materials in compliance with Borough ordinances until collection. The recyclable materials that are required to be separated from solid waste are: aluminum, bimetallic cans, steel cans, clear and colored glass, plastic (#1 HDPE and #2 PET), newspaper, magazines, junk mail and empty aerosol cans.

- B. Recyclable materials from residential establishments shall be placed at the curb or other similar area, separate from other solid waste, for collection at such times as are established by the contract with the contractor, which shall be at least once each week.

2. Commercial, Institutional and Municipal Establishments.

- A. Commercial, institutional and municipal establishments are hereby required to separate all recyclable material as specified by the Borough from solid waste and to store such materials in compliance with Borough ordinances until collection. The recyclable materials that are required to be separated from solid waste by commercial, institutional and municipal establishments are: aluminum, high-grade office paper and corrugated paper and leaf waste.
- B. The owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units may comply with its responsibilities under this Section by establishing a collection system for recyclable materials 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 noncompliance of occupants of their buildings.
- C. The Borough shall exempt persons occupying commercial (including multifamily rental housing properties with 10 or more units), institutional and municipal establishments within its boundaries from the requirements of the curbside recycling program if those persons have otherwise provided for the recycling of materials required to be recycled in accordance with this section. **[Amended by Ord. 1146, 6/16/2015]**

**§ 20-105. Leaf Waste. [Ord. 1060, 8/17/2004, § 105]**

All persons who reside in residential establishments who gather leaf waste shall source-separate all leaf waste for recycling in the manner prescribed by the Borough unless those persons have otherwise provided for the composting of leaf waste. All persons who are responsible for the operation of commercial, institutional and

municipal establishments who gather leaf waste shall source-separate and provide for its recycling.

**§ 20-106. Collection of Recyclable Materials by Unauthorized Persons. [Ord. 1060, 8/17/2004, § 106]**

From the time of placement of recyclable materials at the curb or similar area for collection in accordance with this Part, those materials shall become the property of the Borough and the contractor. It shall be a violation of this Part for any person not authorized by the Borough to collect or pick-up or cause to be collected or picked-up any such recyclable material. Any and each such collection in violation of this Part from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

**§ 20-107. Public Notice and Education. [Ord. 1060, 8/17/2004, § 107]**

The Borough shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements as required by the Municipal Waste Planning, Recycling and Waste Reduction Act.

**§ 20-108. Required Use of Contractor Services. [Ord. 1060, 8/17/2004, § 108]**

1. The Borough Council, after public advertisement of competitive bids, shall designate one person as the contractor. The contractor shall have the exclusive right and obligation to collect and haul all solid waste and recyclable materials from all residential establishments in the Borough. Commercial, institutional, and municipal establishments may contract with collectors other than the contractor.
2. All residential establishments shall participate individually in the contract with the contractor as provided in Paragraph 1 of this Section.
3. It shall be unlawful for any owner or occupant of a residential establishment to dispose of residential solid waste and recyclable materials except by the methods prescribed by this Part.

**§ 20-109. Fees. [Ord. 1060, 8/17/2004, § 109]**

1. Residential Establishments. The fee for collection and disposal of residential solid waste from residential establishments shall be fixed by contract between the Borough and contractor. The contractor shall be solely responsible for collection of fees for service directly from the owner, occupant or other responsible person.
2. Commercial, Institutional and Municipal Establishments. Fees for collection from other than residential establishments shall be fixed by mutual agreement of the parties and shall be paid directly to the person making such collection.

**§ 20-110. Preparation of Residential Solid Waste for Collection. [Ord. 1060, 8/17/2004, § 110]**

1. Preparation Requirements.
  - A. All recyclable materials shall be source-separated from all other residential solid waste, colored and clear glass, plastic, bimetallic cans and steel cans thoroughly rinsed with lids removed. Recyclable material may be commingled in a special container provided by the contractor for collection.
  - B. All garbage shall be thoroughly drained of all liquid and wrapped in paper before being placed in the container.
  - C. Nonrecyclable printed matter not placed in containers shall be securely tied in bundles not exceeding 40 pounds in weight with twine or string or bagged.
2. Containers.
  - A. All recyclable materials shall be placed in a special container provided by the contractor. **[Amended by Ord. 1146, 6/16/2015]**
  - B. All residential solid waste, except recyclable materials, shall be placed in containers or durable plastic bags provided by the resident.
  - C. Leaves (not including grass clippings) collected from residential establishments shall be placed curbside at the times set forth by the Borough. Shrubbery, tree trimmings and similar materials shall be cut in lengths not to exceed four feet and shall be securely tied in bundles of not more than 40 pounds for collection and shall be placed curbside at the times set forth by the Borough, or taken to the Borough's compost facility.
  - D. Containers (other than containers for recyclable materials) shall be of durable, watertight, rust-resistant materials having a close fitting lid with handles with a capacity of not more than 40 gallons and shall be of such size as can be handled easily by one man, or durable and watertight plastic bags. The maximum weight of a filled plastic bag shall be limited to such weight as will not cause the bag to break when lifted and carried to contractor's equipment and no more than 40 pounds.
  - E. Containers containing garbage shall be covered with a lid, which fits securely and prevents access to rodents and insects. Plastic bags shall be secured or tied.
  - F. It shall be unlawful to permit the accumulation of liquids or the residue thereof, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the

interior of containers shall be kept clean by thoroughly rinsing and draining as often as necessary.

- G. All containers shall be kept in a clean condition and shall be kept in good condition. Any container that does not conform with this Part or that is likely to injure the contractor or his employees, or hampers the prompt collection of refuse, shall be replaced on notice. Failure to replace such defective container may result in the termination of service until such time as a suitable container is provided.

3. Accumulation of Residential Solid Waste.

- A. No person shall place or cause to be placed any residential solid waste upon any street, alley or other public place, or upon any private property, whether owned by such person or not, except if it is in proper receptacles for collection or properly bundled as herein provided for collection.
- B. No person shall deposit residential solid waste in any stream or any other body of water.
- C. No person shall maliciously spill or scatter the contents of any waste container or plastic bag, or damage or destroy any such container or plastic bag.
- D. No person, except the occupant of the premises on which the waste container or plastic bag is placed or an authorized collector shall remove the lid of the container and/or remove the contents of such container or plastic bag.

4. Location of Containers. Solid waste, recyclables and leaf containers, plastic bags and bundles shall be placed at the curbside on public streets in advance of the scheduled time for collection.

5. Limitation on Time of Placement of Containers. No person shall place any container of residential solid waste or recyclables for collection pursuant to Paragraph 4 of this Section earlier than 6:00 p.m., prevailing time, on the day preceding the date of collection by the contractor.

**§ 20-111. Frequency of Collection. [Ord. 1060, 8/17/2004, § 111]**

1. Solid waste and recyclable materials produced in residential establishments shall be collected at least once each week.
2. Leaves and garden residue (not including grass clippings) from residential establishments shall be collected weekly during the fall months in accordance with a schedule established by the Borough or established by the contractor with the approval of the Borough.

3. Shrubbery, tree trimmings and similar materials from residential establishments shall be collected curbside twice per year in accordance with a schedule established by the Borough or may be deposited at a Borough designated site.
4. Solid waste and recyclable materials produced in commercial, institutional and municipal establishments shall be collected at least once each week. If necessary to protect public health, solid waste produced in such establishments shall be collected more frequently upon written notification of the Manager.

**§ 20-112. Collection Practices. [Ord. 1060, 8/17/2004, § 112]**

1. All vehicles used for the collection or removal of material shall be of metal or other durable body, securely covered, watertight, strongly built, kept thoroughly cleansed and well painted. Open trucks or trucks covered with tarpaulins are not acceptable.
2. Contractor shall handle all receptacles and containers as carefully and quietly as possible and shall return (not throw) them to the location where found. All handling, collection and transportation of solid waste and recyclables shall be done in such a manner that no spilling, leaking or strewing shall occur, either on such premises or on the streets of the Borough.
3. The Borough shall have the right to inspect any collection vehicle at any time and place while it is being used within the Borough. In addition, the contractor shall make vehicles available for inspection whenever so requested by the Borough at a specific time and place.
4. The contractor shall collect four containers, plastic bags and bundles of the authorized size and weight from residential establishments. **[Amended by Ord. 1146, 6/16/2015]**
5. The collection practices of the contractor and any other person removing solid waste and recyclable materials from the Borough shall conform to all applicable statutes, ordinances, regulations and rules of the Commonwealth of Pennsylvania, County of Cumberland, the Borough and any contract or contracts between the parties.
6. Special Waste.
  - A. Removal of wearing apparel, bedding or other waste materials from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Manager. Such material shall not be placed for regular collection.

- B. Highly flammable or explosive materials shall not be placed for regular collection, but shall be disposed of as directed by the Manager at the expense of the owner or possessor thereof.

**§ 20-113. Dumping or Transporting into Borough. [Ord. 1060, 8/17/2004, § 113]**

No person shall dump, deposit or otherwise dispose of solid waste, recyclables, garbage, ashes, rubbish, or refuse of any kind or nature within the jurisdictional limits of the Borough. No person shall transport or bring any garbage, rubbish, trash, refuse, other solid waste or recyclables into the Borough for the purpose of disposal and/or collection.

**§ 20-114. Manager's Authority and Duties; Rules and Appeals. [Ord. 1060, 8/17/2004, § 114]**

The Manager shall be charged with the administration of the provisions of this Part. He shall have authority to make rules and regulations relating to the administration of the provisions of this Part in addition to any other powers herein conferred upon him, provided that such rules and regulations are not contrary to the provisions hereof.

**§ 20-115. Violations and Penalties. [Ord. 1060, 8/17/2004, § 115]**

This Part shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or permit violation of the provisions of this Part shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not more than \$1,000 plus costs of prosecution, or imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this Part that is violated shall also constitute a separate offense.

## PART 2

**OUTDOOR FIRES AND BURNING****§ 20-201. Outdoor Fires and Burning Prohibited. [Ord. 1060, 8/17/2004, § 201]**

It shall be and is hereby declared to be unlawful for any individual, partnership, corporation, association, institution, cooperative enterprise or other entity to burn or permit to be burned any substances or maintain or permit to be maintained any fire out-of-doors upon any tract of land or public street, road, highway, alley, sidewalk, park or other public place or ground within the Borough of Mechanicsburg, except where fire or burning operations result for the purpose of training and instructing authorized personnel in firefighting, and training of persons in the use of portable fire extinguishers. For fire training, approvals and permits must be obtained from the State. Notwithstanding, outdoor fires shall be permitted to cook food for human consumption provided the fire is confined to a fire ring, fireplace, charcoal or gas grill or other similar fireproof container.

**§ 20-202. Violations and Penalties. [Ord. 1060, 8/17/2004, § 202]**

This Part shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or permit violation of the provisions of this Part shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not more than \$1,000 plus costs of prosecution, or imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense.

