

## Garbage Collection and Disposal Ordinance

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hazleton that:

The operations for the administration, collection, removal and disposal of garbage and operation of the municipal recycling program along with the powers to impose and collect, by lien or otherwise, reasonable fees or charges and to prescribe fines and penalties for the violation thereof, shall be transferred to the Hazleton City Authority.

The Hazleton City Authority is hereby authorized and directed to promulgate, amend and/or create regulations for the collection, removal and disposal of garbage. The Hazleton City Authority is authorized to create regulations for the administrative operations necessary to remove and dispose of garbage and regulations to impose or collect, by lien or otherwise, reasonable fees and charges therefor, and to prescribe fines and penalties for the violation thereof. Furthermore, the Hazleton City Authority is hereby authorized to operate the municipal recycling program.

### CHAPTER 203 - SOLID WASTE (AS AMENDED BY ORDINANCE 2011-1)

#### ARTICLE I, Garbage, Rubbish and Refuse

##### § 203-1. Statutory authority.

The statutory authority of third class cities to regulate the collection, removal and disposal of garbage and to impose and collect, by lien or otherwise, reasonable fees and charges therefor and to prescribe fines and penalties for the violation of ordinances regulating such matters is governed by State law. 53 P.S. §37403(6). The Third Class City Code allows for the transfer of the collection, removal and disposal of garbage and imposition and collection, by lien or otherwise, of reasonable fees therefor. The Pennsylvania Municipal Authorities Act allows Pennsylvania municipal authorities to operate facilities and equipment for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials by incineration, landfill or other methods. 53 Pa.C.S. §5607(b)(2)(i).

##### § 203-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**GARBAGE** Includes refuse accumulation of animal, fruit or vegetable matter attending to the handling or preparation of food or food products.

**HAZLETON CITY AUTHORITY** &ndash; shall mean the Hazleton City Authority Industrial Division.

§ 203-3. Designation of acceptable and unacceptable garbage.

A. Items acceptable as garbage are: food containers such as cereal boxes, macaroni boxes, pizza boxes, milk containers, TV dinner cartons, egg cartons, frozen vegetable packages, paper plates, napkins, vegetable boxes, meat, fish and vegetable waste, snack food products bags, health related containers, all related or similar items, as well as magazines, Kleenex, cardboard (made of paper) but not wood, and all kinds of organic kitchen waste resulting from the preparation of food and all decayed food products from any source whatsoever.

B. Items not acceptable as garbage are: clothing, yard waste, leaves, grass, branches of trees, dirt, brick and stone, metal containers, trays, Christmas decorations, beverage cases, rags, carpeting, wood, metal, rubber products, plastics not pertaining to household goods, and all related or similar items; also not acceptable are bound books, business ledger and other similar paper products, hazardous wastes, non-hazardous toxic waste or any other items prohibited by the Hazleton City Authority and designated for recycling under Article IV of this Chapter.

C. The City and/or the Hazleton City Authority reserves the right to and retains the option at its discretion to require the separation of paper, swill, recyclable materials, yard waste or other component parts of solid waste; to require the deposit thereof in separate containers; to prescribe the method of disposal thereof; and to direct other related activities as determined necessary.

§ 203-4. Supervision and enforcement.

A. All matters relating to garbage collection and garbage disposal shall be delegated and assigned by the Mayor to either the Department of Health, or the Director thereof, the Code Enforcement Officer, the Director of Administration, and/or the Hazleton City Authority.

B. It shall be the duty of the Director of the Department of Health to enforce any and all ordinances, resolutions and regulations pertaining to garbage collection and disposal in conjunction with the Hazleton City Authority. In the absence of such official, it will be at the discretion of either the Mayor or the Director of Administration, in conjunction with the Hazleton City Authority, to direct and delegate such duties and to take any action which he or she deems necessary in such matters stated above or in regard to any inquiries received from the general public. The Director of the Department of Health or the person appointed at the discretion of the Mayor or the Director of Administration shall work in conjunction with the Hazleton City Authority.

§ 203-5. Requirements for garbage receptacles.

Receptacles used for the storage of garbage shall be watertight and meet the following specifications:

A. It shall be the duty of every person in possession, charge or control of any dwelling or real property where solid waste is created or accumulated to provide and have containers of a size, type and construction as specified in this article and to deposit or cause to be deposited therein all solid waste as permitted or required by this article.

B. Garbage cans of durable grade of galvanized metal or other suitable material from 10 to 33 gallons' capacity and weighing less than 10 pounds empty or 50 pounds fully loaded with normal garbage. They shall be provided with lifting handles and a tightly fitting cover with a lifting handle. The can shall be without inside protrusions, and the garbage shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.

§ 203-6. Damaged or deteriorated receptacles.

A. Receptacles of galvanized metal, plastic or either material which have deteriorated or have been damaged to the extent that the covers will not fit securely, or have one or no handles or lid or a top without a handle, or those having jagged or sharp edges capable of causing injury to garbage collectors or other persons whose duty it is to handle the receptacles, are declared a nuisance and said garbage collectors, the Department of Health or any other persons designated by the City and/or the Hazleton City Authority shall so notify the owner that the container must be replaced.

B. It shall be the responsibility of the owner or taxpayer to replace, as soon as possible, such damaged and/or awkward to handle receptacles and/or containers that have been declared a nuisance.

§ 203-7. Placement for collection.

A. On days when garbage pickup is scheduled, residents of the City shall place the garbage receptacles at the place designated by the City and/or the Hazleton City Authority for pickup, except that, for collection purposes only, garbage bags made of heavy polyethylene or ethylene copolymer resin or other suitable materials may be used and placed at curbside. Bags must be securely tied or sealed to prevent emission of odors, be of a material so that greases will not be able to penetrate through the material and be of sufficient thickness and strength to contain the garbage enclosed without tearing or ripping under normal handling. Anyone electing to use bags is held responsible to clean up and dispose of garbage should the bag become ruptured by animals or otherwise.

B. The contractor shall cause a schedule of garbage pickup to be published in the Hazleton Standard Speaker.

C. Garbage shall not be placed on the City streets and sidewalks for collection more than one hour before dark on the day or days scheduled for collection in that section or area of the City. Anyone who puts out garbage earlier than one hour before dark on the evening preceding the collection date shall be subject to the penalties in §203-10 of this article.

D. When streets become impassable because of the accumulation of snow or when the snow emergency parking restrictions are in effect, residents of the City shall place garbage receptacles at the nearest collection point which is accessible to garbage collection trucks.

E. It is unlawful for any person to dump or in any manner dispose of solid waste upon any street, alley, public place or private property owned by another person within the City. Anyone who violates this section shall be subject to the penalties in §203-10 of this article.

## § 203-8. Storage of garbage.

It shall be unlawful to place or permit to remain in the City any garbage in a garbage receptacle except as described in §203-5 of this article.

## § 203-9. Garbage collection and disposal fees.

A. Each family residence, be it single home, one residence in a row structure, one-half of a double home, an apartment in an apartment building, each unit in a semi-detached home, each unit in a duplex home, each unit in a garden apartment, each unit in apartments inside double homes, each unit in apartments located above commercial establishments, each mobile home and each dwelling unit as defined in Chapter 2 of the Zoning Ordinance of the City of Hazleton shall be considered an individual residential unit and the owner of each such residential unit shall pay a fee for the collection and disposal of garbage for each such residential unit. Property owners who have a private septic tank or other means of sewage disposal other than by the Hazleton sewer system, or for any other reason, who are not listed on the City records for garbage billing purposes, must notify the office of the Director of Administration and/or the Hazleton City Authority for purposes of establishing a billing address. Failure to do so shall subject the property owner to a penalty as defined in Section 203-10 of this Article. The Hazleton City Authority has the exclusive right to charge the collection and disposal fee even if the owner has made alternative arrangements for collection and disposal.

B. The garbage collection and disposal fee shall be paid monthly in 12 equal monthly installments to be paid by the homeowner. The garbage rates will be set by the Hazleton City Authority pursuant to the Pennsylvania Municipal Authorities Act and the rate will then be provided to the City to be acted upon by resolution.

C. Fees for the collection and disposal of garbage shall be billed by the Hazleton City Authority. Payments for the collection and disposal of garbage shall be paid to the Hazleton City Authority before the due date of payment. If the payment is not received on or before the said due date, then a penalty payment of ten (10%) percent shall be added to the bill. Any unpaid bill that remains unpaid shall be charged interest at 1.5% interest per month per residential unit. The Hazleton City Authority may at its sole discretion determine that an amnesty or similar program is necessary and implement such a program as it deems appropriate in order to collect past due fees or charges.

D. The garbage collection and disposal fee shall be paid by the owner of each residential unit who shall pay the garbage collection and garbage disposal fee regardless of whether or not the occupants use the City garbage collection and garbage disposal services. Any exemptions or deferrals must be approved by the Hazleton City Authority, in writing, for a prescribed period of time, whichever the case may be, provided that the applicant for exemption or deferral is eligible for an exemption or deferral under the following guidelines:

(1) All properties listed on the City's books and/or collection agents/agencies or designated billing/collector for collection of fees for the sewage transmission fee shall be required to pay the garbage fee. Furthermore, all properties listed on the Hazleton City Authority's accounts list or amendments thereto shall be required to pay the fees as stated herein.

(2) The request for exoneration, abatement, exemption or forgiveness of the garbage fee must be submitted by the property owner, in writing, to the Hazleton City Authority or its designee, on a monthly basis and no verbal request will be considered valid.

(3) Properties which are dilapidated to the extent that they are uninhabitable and/or condemned by the City Code Enforcement Officer, Zoning Officer, Health Officer or Fire Chief may be considered for such exoneration.

(4) Properties exposed to fire and water damage causing unsuitable living conditions may be considered for exoneration.

(5) Any property requiring extensive renovations, repairs or alterations in order to be in compliance with applicable local state and federal fire, electrical or other codes and which is unoccupied may be considered for garbage fee exoneration.

(6) No property shall be considered for exoneration of garbage fees if it is readily available for occupancy or, in the alternative, is or will be available for occupancy, either for rent or personal use.

(7) A property owner who is physically unable to avail himself of the service due to prolonged periods of illness, extended hospitalization or confinement in a nursing home, may qualify for exemption if proper proof and documentation of such incapacity is submitted to the Hazleton City Authority.

(8) The Hazleton City Authority or its designee assigned to review and approve applications for abatement or exoneration may, at their discretion, require proof of documentation of sufficient reliability from the applicant in order to make a proper evaluation of the request. In addition to the requirement of proof, the Hazleton City Authority or its designee is also authorized to direct and instruct appropriate City officials, City Zoning Officer, City Enforcement Officer, City Health Officer and the City Fire Chief to visit and inspect the premises prior to such an exoneration being granted.

(9) Any property owner receiving such exemption, abatement or exoneration from the Hazleton City Authority shall notify the Hazleton City Authority, in writing, within ten (10) days of the property's reoccupation or that the necessary repairs, renovations or alterations in order to be compliance with applicable codes have been completed. This subsection shall apply to any and all properties which were previously vacated and/or exonerated under the terms of this article or any prior ordinances. Failure to comply with the subsection shall subject the property owner to the penalties in Section 203-10 of this Article.

(10) The Hazleton City Authority or its designee will respond to all requests within sixty (60) days from the date of the receipt of the request in writing. Such time limitation will not be applied in the event that the applicant fails to submit the required information or documentation as requested by the Hazleton City Authority or its designee.

E. The Hazleton City Authority or its designee will not consider rebates for vacant properties under any circumstances.

F. Any deviation, either in providing the service for the collection and disposal of garbage or for the payment of fees as required by this Article, will be subject to a separate agreement signed by the applicant and the Hazleton City Authority or its designee. Such an agreement will be effective only for the period of said written contract and in no case shall extend beyond the expiration date of the contract then in effect with the provider of the collection and disposal services for the Hazleton City Authority. Furthermore, it will be within the Hazleton City Authority's discretion to review, amend

and renew any such agreement with the applicant, at any time, and it may be altered and/or amended if changes are required in providing such service.

#### § 203-10. Violations and penalties.

Any person, firm or corporation violating any provision of this Article shall be fined not less than Twenty-Five (\$25.00) Dollars per offense and a separate offense shall be deemed on each day during or on which such violation occurs and continues. Under no circumstances shall a fine accumulate more than Six Hundred (\$600.00) Dollars for each offense. The person, firm or corporation violating this article shall also be responsible for all court costs pertaining to the violation. All fines and penalties to be paid to Hazleton City Authority.

### ARTICLE II, Solid Waste Collectors

#### § 203-11. Short title.

This article shall be known as the "Solid Waste Collectors Licensing Ordinance."

#### § 203-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**COLLECTOR** Any person collecting or transporting municipal solid waste for monetary or business purposes, including the municipality itself if it undertakes the collection of municipal solid waste directly and any business or institution within the municipality which generates sufficient municipal solid waste to require disposal directly by its own employees and equipment.

**DISPOSAL** Transporting waste materials to an incinerator, a sanitary landfill, resource recovery facilities or other site and making final deposition.

**MUNICIPAL WASTE** Except as modified by the current contract between the designated disposal facility and Luzerne County, any garbage, refuse, industrial lunchroom or office waste and other 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 in the Solid Waste Management ActEN from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source separated recyclable materials.

**PERSON** Includes any natural person, association, partnership, firm or corporation.

HAZLETON CITY AUTHORITY shall mean the Hazleton City Authority Industrial Division

§ 203-13. Licensing of collectors.

A. General Requirements &ndash; No person shall act as a municipal solid waste collector in the municipality without first obtaining a license from the City of Hazleton.

(1) No person shall act as a municipal solid waste collector in this municipality without first obtaining a license from the City of Hazleton pursuant to this article.

(2) Each collector's license hereunder shall be effective for a maximum of one calendar year, terminating on June 30 of the year for which it was issued and subject to renewal upon application.

(3) Application for a collector's license shall be made on a form prescribed by the City of Hazleton and made to the City of Hazleton with a copy to the Hazleton City Authority. Each application must be accompanied by proof of adequate insurance. Proof of said insurance coverage must be submitted to the County's designated facility prior to the delivery of waste. A copy of said insurance coverage must be provided to the City of Hazleton and to the Hazleton City Authority.

(4) Any collector who possesses a valid license issued by another municipality in the county shall be entitled to a license conditioned only upon continuing compliance with this article and any other solid waste ordinance of this municipality.

(5) A licensee of another municipality, as provided in Subsection A(4) above, may be issued a license if he supplies proof of his holding a valid license in another municipality, sufficient additional information to fill out the application for a license and payment of a fee in accordance with Subsection B of this section.

(6) No license is transferable from one collector to another or one vehicle to another.

(7) Upon receipt of said application and fee, the agency designated by the City of Hazleton shall either issue or refuse to issue a license to the applicant within 30 days.

(8) The City of Hazleton shall provide to the Hazleton City Authority a list of any and all licenses as issued in this article on a monthly basis.

B. Licensing fees. The fee for such license shall be as set forth in Chapter 24, Fees.

C. Management and collection requirements; violations and penalties.

(1) All vehicles used for the collection and transportation of municipal waste must satisfactorily comply with the regulations of the Commonwealth of Pennsylvania and any other solid waste ordinance of the City of Hazleton.

(2) All collectors shall place a copy of the license in each vehicle operated in the municipality. Each vehicle shall bear the number of the license, plus a sequential number referring to the vehicle, in a conspicuous location on the exterior of the vehicle.

(3) All vehicles shall be inspected and reinspected annually by an agent designated by the municipality.

(4) No licensed collector shall dispose of any municipal waste collected in the City of Hazleton, Luzerne County, Pennsylvania, except at the disposal facility designated by an executed contract with Luzerne County.

(5) The penalty for violation of this article or for operating without a license in accordance with this article shall be as set forth in Chapter 1, Article II, Violations and Penalties, of this Code. Each day that a violation continues shall constitute a separate violation.

#### § 203-14. Responsibility of City to ensure compliance.

It is the responsibility of the City of Hazleton in conjunction with the Hazleton City Authority to insure that all terms and conditions of this article, the Luzerne County Waste Management Plan and the Luzerne County Designated Disposal Facility Contract are complied with by the collectors.

### ARTICLE III, Dumpsters

#### § 203-15. Definitions.

Unless otherwise expressly stated, the following terms, whenever used in this article, shall respectively be deemed to have the meanings indicated:

**DUMPSTER/CONSTRUCTION CONTAINER** Any container used in the normal course of demolition or construction for the purpose of storing, containing and/or carting debris.

**PERSON** An individual or individuals or corporation, partnership or voluntary association.

**HAZLETON CITY AUTHORITY** The Hazleton City Authority Industrial Division.



§ 203-16. Placement and sanitary requirements.

A. The placement of a dumpster and/or construction container upon a sidewalk, street or highway within the City of Hazleton by persons other than agents or employees of the City is hereby prohibited unless:

- (1) The dumpster and/or construction container is properly illuminated by at least one reflector on each side, such reflector to be at least six inches in diameter so that it is visible at night.
- (2) There is no defect or faulty design in the dumpster and/or construction container which would create a hazard to the general public. Dumpsters and/or construction containers must be self supporting. Dumpsters to be used at restaurants and other eating and drinking establishments must have lids which close properly.
- (3) The placement of the dumpster and/or construction container does not block the flow of vehicular traffic or pedestrian traffic and it is not loaded in such a manner as to cause its contents to spill onto the street or sidewalk areas.
- (4) The dumpster and/or construction container is conspicuously marked with the name and telephone number of its owner.
- (5) The use of the dumpster and/or construction container will not create offensive odors or a health, safety or fire hazard.

B. It shall be the responsibility of the lessee to contact the lessor to have a filled dumpster and/or construction container emptied by the lessor in a timely manner; that is, within three days.

C. Upon removal of the dumpster and/or construction container, the area where the dumpster/container was located must be free of all debris, which shall include flushing or washing of the area if necessary.

D. Damage to streets, sidewalks or other public property caused by the placement of the dumpster shall be repaired by the dumpster owner within 10 days of removal.

§ 203-17. Issuance of permit; fee.

An annual permit for the right to place dumpsters and/or construction containers in the City shall be obtained by the owner of such containers from City. The Code Enforcement Officer shall review and approve issuance of a permit, and such approval shall not be unreasonably withheld. No permits shall be issued until a fee in the amount set forth in Chapter 24, Fees, is paid to the City of Hazleton.

§ 203-18. Other fees.

If a dumpster and/or construction container is placed in an area where the City regulates parking with parking meters, the owner shall pay the cost of locating the container in that space, as determined by applicable meter rates, in addition to the annual fee required in §203-17.

§ 203-19. Expiration of permit; renewal.

No permit shall be issued for a term longer than one year for a permanent dumpster and/or construction container.

§ 203-20. Revocation of permit; appeals.

A. Any permit granted pursuant to this article by the City and/or the Hazleton City Authority may be revoked by the Code Enforcement Officer of the City of Hazleton if:

(1) The permit holder has made any false statements in his application for a permit; or

(2) The permit holder fails to conform to the provisions of this article.

B. After three violations, the permit will be revoked for one year or with an aggregate of five violations, the permit will be revoked permanently.

C. A decision by the Hazleton City Authority or the Code Enforcement Officer of the City of Hazleton to revoke any permit issued pursuant to this article shall be in writing and transmitted to the permit holder either in person or by certified mail. Such decision shall clearly state the grounds for the revocation.

§ 203-21. Placement near fire hydrants or fire lanes.

No person shall cause or permit the placement of any dumpster or construction container within 10 feet of a fire hydrant, fire lane or structure, unless authorized by the Fire Chief.

§ 203-22. Violations and penalties.

Any person violating any section of this article shall be subject to a penalty as set forth in Chapter 1, Article II, Violations and Penalties, of this Code.

## ARTICLE IV, Recycling

### § 203-23. Title.

The short title of this article shall be the "City of Hazleton Resource Recovery Ordinance," and the same may be cited in that manner.

### § 203-24. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**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.

**COMMERCIAL ESTABLISHMENT** Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

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

**CORRUGATED PAPER** Paper which has been shaped or wrinkled into parallel grooves and ridges, including cardboard, paperboard, wrapping and packaging paper, commonly used in boxes and cartons.

**GLASS** The hard brittle, 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 or conveniently included in the manufacture of glass and including, for the purpose of this article, all materials commonly known as "glass bottles or containers." This includes all food and beverage containers made of glass, whether clear or colored, of one gallon or less capacity. This term excludes containers of a greater capacity than one gallon, ceramic, window glass, automobile glass, mirrors and kitchenware.

**HAZLETON CITY AUTHORITY** The Hazleton City Authority Industrial Division.

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

**INDEPENDENT CONTRACTOR** A private garbage hauler engaged by a commercial establishment.

**INSTITUTIONAL ESTABLISHMENT** Those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

**LEAD ACID BATTERIES** Includes but is not limited to automotive, truck and industrial batteries that contain lead.

**LEAF WASTE** Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings but not including grass clippings.

**LICENSED RECYCLING COLLECTOR** A person authorized to collect source separated recyclable materials from commercial, institutional and municipal establishments and multifamily housing properties in the City of Hazleton.

**MULTIFAMILY DWELLINGS** All buildings, the primary purpose and use of which is for residential occupancy by three or more separate and distinct families, tenants and/or household units; a row or townhouse dwelling which contains three or more single or duplex dwelling units which are owned, including the land upon such they are erected, in fee simple by separate persons.

**MUNICIPAL ESTABLISHMENTS** Public facilities operated by the municipality and other governmental and quasi governmental authorities.

**MUNICIPALITY** The City of Hazleton.

**NEWSPRINT** Paper which has been used for the production of daily, weekend and special edition publications commonly known as "newspapers." Expressly excluded are glossy advertising inserts often included with newspapers.

**PERSON** Any individual, partnership, corporation, association, institution, cooperative enterprise or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PLASTIC** All plastic bottles and containers, including but not limited to those for carbonated beverages, milk and detergents, made of PED, HDPE or PVC material.

**RECYCLABLE MATERIALS** Materials which are separated from the remainder of municipal waste in compliance with Section 1501 of Act 101.

**REFUSE** Any garbage, refuse or putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food and other material, including solid or semisolid material resulting from the operation of residences or municipal facilities, and any other solid waste which is within the definition of "municipal waste" set forth in Section 103 of the Municipal Waste Planning, Recycling and Waste Reduction Act, the Act of July 28, 1988, P.L. 528, No. 101, but excluding any liquid waste or sludge; waste which is defined by existing or future federal or state law or regulation as hazardous waste or residual waste; infectious waste, pathological waste or other waste for which treatment or handling requirements different from those normally applicable to municipal waste apply; polychlorinated biphenyls; recyclable materials; materials specifically excluded under applicable county or municipal ordinances, rules or regulations; and leaf waste, as herein defined.

**RESIDENT** A person who lives in a residential structure.

**RESIDENTIAL DWELLING** Any occupied single family or multifamily dwelling having up to and including three dwelling units per structure for which the municipality provides municipal waste collection service.

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

**TIN** The ferrous metal food or beverage containers commonly known as "tin cans."

**WASTE** A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the Department for beneficial use.

§ 203-25. Municipal recycling program for residential dwellings.

A. There is hereby established a municipal recycling program for the mandatory separation of recyclable materials from solid waste by persons residing in single family dwellings or multifamily dwellings having up to and including three dwelling units per structure.

B. The City of Hazleton Department of Administration and/or the Hazleton City Authority shall be responsible for scheduling a day, at least once a month, for the collection of recyclable material. The responsibility to establish and modify this schedule and the responsibility for communicating to the residents of the City, along with the duty to prescribe regulations pursuant to this article, shall be with the Department of Administration of the City of Hazleton and/or the Hazleton City Authority.

§ 203-26. Separation and placement of recyclables for residential dwellings.

A. Recyclable materials from residential dwellings shall be placed at the curb or other designated place separate from collection or taken to drop off sites at such times, dates and places and in such manner as may be established by the City of Hazleton and/or the Hazleton City Authority. Materials to be recycled are clear glass, brown glass, green glass, aluminum beverage containers, plastic as defined, newspaper, tin and leaf waste or other recyclable materials designated by the City of Hazleton and/or the Hazleton City Authority under its regulations.

B. The recyclable materials shall be placed in containers which may be provided by the City and, if so provided, said containers shall be and remain the property of the City and remain with the residence, regardless of owner or tenant. Any misuse or destruction of said containers shall subject the person responsible to penalty as hereinafter set forth.

C. Should the containers become lost or unusable, they must be replaced by notifying the City of Hazleton. The City is authorized to charge a replacement fee in accordance with rules and regulations of the City of Hazleton.

§ 203-27. Separation of recyclables for commercial, municipal and institutional establishments and at community activities.

A. Commercial, municipal and institutional establishments shall separate and store, until collection, high grade office paper, corrugated paper and aluminum and other source separated recyclable materials which they may elect to recycle. These establishments must arrange for the transfer of the materials at least once a month to a recycling system, i.e. a collector licensed for the purpose of collecting source separated recyclable materials by the City and/or the Hazleton City Authority.

B. The licensed recycling collector shall annually provide to the Hazleton City Authority evidence of each such arrangements and documentation of the total number of tons recycled by providing invoices to the City of Hazleton and/or the Hazleton City Authority showing the materials collected from the establishments or properties that were marketed.

C. At all community activities, recyclable materials designated by the Hazleton City Authority must be separated until collection. Sponsoring organizations must arrange for the transfer of the materials to a recycling system.

D. Commercial, municipal and institutional establishments and coordinators of community activities who comply with this article shall not be liable for the noncompliance of their tenants where a portion of the building is leased to tenants and/or for the noncompliance by the general public where there is public access to the building or grounds or in other public areas.

§ 203-28. Separation and placement of recyclables for multifamily housing properties.

A. The owner, landlord or an agent of an owner or landlord of multifamily housing properties of four or more units shall establish a collection system for recyclables at each property. Materials to be separated are clear glass, colored glass and aluminum cans. 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.

B. These landlords or owners must arrange for the collection of the recyclable materials by a licensed recycler at least once a month.

C. Owners, landlords and agents of owners or landlords who comply with this article shall not be liable for the noncompliance of occupants of their buildings.

§ 203-29. Lead acid batteries.

No person may place a used lead acid battery in mixed municipal solid waste or discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency or to a collection or recycling facility authorized under the laws of the commonwealth.

§ 203-30. Separation and disposal of leaves.

All persons who reside in residential dwellings and/or a residential dwelling unit and all persons who are responsible for administration of multi-family housing properties or commercial, municipal and institutional establishments who gather leaves shall source separate all leaves from all other waste and place them for collection at the times and in the manner prescribed by the Hazleton City Authority. Leaves are not to be incorporated into the regular waste stream. Nothing herein shall require any person to gather leaves nor prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscape purposes.

§ 203-31. Licensing of collectors.

A. The City of Hazleton and/or the Hazleton City Authority shall authorize, by issuance of a license, such haulers to collect and market source separated recyclable materials from multi-family dwellings and commercial and institutional establishments within the City of Hazleton. All applications for licensing shall be reviewed by the City of Hazleton and/or the Hazleton City Authority and shall be approved in accordance with following criteria:

(1) No person other than such persons as are duly authorized by the City and/or the Hazleton City Authority, shall collect, transport and/or market source separated recycle materials within or from the City. Authorization shall be given only by the Department of Administration of the City of Hazleton and/or the Hazleton City Authority, or its designee, in accordance with regulations established by the Hazleton City Authority.

(2) Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this article and the rules and regulations established by the Hazleton City Authority.

(3) At the time of application submission, the applicant shall indicate that he has the appropriate type of closed or covered truck with which to collect source separated recyclable materials and shall provide evidence that he carries sufficient liability insurance on the vehicle.

B. Licenses shall be issued on a fiscal year basis and renewed annually, but may be revoked at any time by the City of Hazleton for just cause in accordance with the rules and regulations of the City of Hazleton and/or the Hazleton City Authority and/or Department of Environmental Resources.

C. Fees for such licenses shall be paid by the applicant to the City of Hazleton, and said fees shall be on the basis of cost and covered in the rules and regulations of the City of Hazleton.

D. Nothing herein shall prohibit an individual from taking his or her source separated recyclable materials directly to a designated drop off site or to market in accordance with this article.

§ 203-32. Collection of recyclable materials by unauthorized persons.

A. Ownership of any recyclable materials is retained by the owners, lessees and occupants of residences and commercial or institutional establishments until the materials are placed at curbside or a similar location for collection. Thereafter, once the materials are placed at curbside or a similar location, they become the property of the City of Hazleton and/or the Hazleton City Authority or its contract collector.

B. It shall be a violation of this article for any persons unauthorized by the Hazleton City Authority to collect or pick up or cause to be picked up any such recyclable materials. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 203-33. Delivery of recyclable materials to landfills or incinerators.

A. All recyclable materials must be delivered by the authorized collector to sites for recycling.

B. It shall be violation of this article for the unauthorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal unless markets for such materials no longer exist. The authorized collector will provide the weight receipts of the recyclable materials to the City of Hazleton and/or the Hazleton City Authority.

§ 203-34. Right to contract for services.

Nothing herein is intended nor shall prohibit the Hazleton City Authority, which has been transferred the responsibility for the municipal waste planning, recycling and waste reduction under the Act of July 28, 1988, No. 101, from entering into an agreement or agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from residential dwellings at curbside or from drop off collection points.

§ 203-35. Violations and penalties; enforcement.

A. Any person who violates any provision of this article, except as hereinbefore stated in §203-32, shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article II, Violations and Penalties, of this Code. Further, each day for which a violation occurs and each violation of any provision of this article shall constitute a separate offense.



B. The Hazleton Police Department, Environmental Protection Specialist, and Code Enforcement Officer and any other office or department of the City who may be duly authorized by the municipality shall enforce the provisions in this article in conjunction with the powers transferred to the Hazleton City Authority by the City of Hazleton.

§ 203-36. Authority to make regulations.

A. In carrying out the Requirements of Act 101, Section 1501(e) and the provisions of this Article, the Hazleton City Authority may establish resolutions to govern the specific requirements of this article. Such regulations may specify:

(1) The designated recyclable material items to be collected by the Hazleton City Authority from City residential dwellings.

(2) The method of source separation and storage.

(3) The manner of preparation for collection, including but not limited to the type of container to be used and manner of placement at curbside.

(4) The separation, collection and composting of leaf waste.

(5) Separation, storage and collection of recyclables by commercial, institutional and municipal establishments and community activities.

(6) Separation, storage and collection of recyclables by multi-family housing properties.

(7) A sustained public information and educational program.

B. The City of Hazleton and/or the Hazleton City Authority may, from time to time, make changes in the program regulations as it deems necessary. Subsequent changes in the program may be made by resolution of the City of Hazleton and/or the Hazleton City Authority, with public notice and notification of all affected persons to be accomplished prior to the effective date of such changes.

## ARTICLE V – MISCELLANEOUS

## § 203-50

All City ordinances or parts of ordinances dealing with garbage collection, disposal and the municipal recycling program directly and/or inconsistent herewith are repealed, but all other ordinances not directly inconsistent herewith are saved in full force and effect.

## § 203-51

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this ordinance is, for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within ordinance. The City Council and the Administration of the City of Hazleton, Pennsylvania, hereby declares that it would have adopted the within ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

This Ordinance shall be in full force and effect as of January 1, 2011.