

CHAPTER 20
SOLID WASTE

PART 1

ESTABLISHMENT, MAINTENANCE, CREATION AND FINANCING OF REFUSE COLLECTION SYSTEMS AND REFUSE DISPOSAL METHODS AND SITES; COLLECTION AND DISPOSAL OF RECYCLABLES

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PART 1

ESTABLISHMENT, MAINTENANCE, CREATION AND FINANCING OF REFUSE COLLECTION SYSTEMS AND REFUSE DISPOSAL METHODS AND SITES; COLLECTION AND DISPOSAL OF RECYCLABLES

A. Storage, Collection and Disposal of Refuse.

§20-101. Definitions.

For the purposes of this Part, the following words and phrases shall have the meanings ascribed to them in this Section:

PERSON — any institution, public or private corporation, individual, partnership or other entity.

PREMISES — land, buildings or other structures, vehicles or parts thereof, upon or in which refuse is stored.

REFUSE — all solid wastes of a community, including garbage, ashes, rubbish, bottles, cans and bulky wastes, but not including body wastes.

(Ord. 857, 8/20/1990 Part I, §1)

§20-102. Funds, Appropriation, Borrowing, Other Means.

The Borough Council of the Borough of Ambler is authorized to make funds available by appropriation by borrowing or by other means, in accordance with the laws and procedures of the Borough, for equipment for the collection or disposal of refuse and for the establishment, maintenance and operation of refuse collection systems and refuse disposal methods and sites as well as for the payment to contractors to carry out any of the above objectives.

(Ord. 857, 8/20/1990, Part I, §2)

§20-103. Permits, Rules and Regulations.

1. It shall be unlawful for any person who does not possess a permit to engage in the business of refuse collection or refuse disposal for compensation in the Borough. Provided, that such permittees shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this Part. Further, such licenses as Montgomery County may require shall be obtained as a condition precedent to engaging in the business of refuse collection or refuse disposal in the Borough.

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2. Every person desiring a Borough permit to engage in the collection and/or disposal of refuse shall make written application to the Borough of Ambler, setting forth the name of such person, the residence address thereof or the place of business, a description of the place of disposal and the method of disposal to be practiced. Upon approval of such application, the Borough of Ambler shall issue a permit to the applicant. The permit fee shall be established, from time to time, by resolution of Council, payable in advance to the Borough of Ambler. Every person desiring a Montgomery County license shall request the same of the County pursuant to their regulations and procedures then in effect is offered.
3. Any permittee and licensee expressly agrees to abide by the rules and regulations of the Borough of Ambler and the County of Montgomery.
4. Any person whose application for a Borough permit has been denied may request and shall be granted a hearing before the Borough Council.
5. A Borough permit issued under this Part shall expire on the 31st day of December of each year. Permits shall be renewable annually, in the same manner and upon payment of the same annual fee as provided in subsection (2) of this Section.
6. Applicants for a Borough permit shall have available for the collection and/or disposal of refuse closed-body trucks of sufficient design to retain that which is placed therein. Approval of said design shall be made by the Borough Superintendent.
7. A refuse collector having been issued a valid Borough permit under the terms of this Part shall not engage in the business of refuse collection or refuse disposal in the Borough prior to 6:00 a.m. nor after 7:30 p.m. (prevailing time).
8. Borough Res. 89-6¹ and the Inter-County Municipal Agreement and Trash Flow Ord. 850², all as amended.

(Ord. 857, 8.20/1990, Part I, §3)

§20-104. Prohibitions; Private Responsibility.

1. The owner or his agent or the occupant of any premises within the Borough shall be responsible for the sanitary condition of the premises occupied by him and it shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any refuse, except as designated by the terms of this Part.
2. The owner, organization or the occupant of any premises within the Borough shall be responsible for and it shall be unlawful to permit a refuse container to be

¹ Editor's Note: Res. 89-6 is not codified by is on file at the Borough office

² Editor's Note: Ord. 850 is not codified at length but a summary thereof appears in Appendix C and the full text is on file at the Borough office

opened other than at such time as refuse is being deposited in said container or being removed therefrom.

3. Any person responsible for:
 - A. Refuse on premises not served by the refuse collection system of the Borough.
 - B. Refuse not acceptable for collection by the Borough shall make arrangements for the collection and disposal of such refuse with a refuse collector who holds a valid permit issued by the Borough of Ambler and where necessary, a license issued by the County of Montgomery.
 - C. Refuse, particularly used automobile parts and automobile body parts, awaiting lawful disposition, shall not accumulate on any public portion of the property but shall remain inside the premises until the time of its lawful disposal. [Ord. 882]

(Ord. 857, 8/20/1990, Part I, §4; as amended by Ord. 882, 11/-/1991, §1)

§20-105. Enforcement; Service of Notices and Orders; Hearings.

1. Whenever the Borough of Ambler determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall:
 - A. Be put into writing.
 - B. Include a statement of the reasons why it is being issued.
 - C. Allow a reasonable time for the performance of any act it requires.
 - D. Be served upon the holder of a permit issued under this Part or upon the owner or his agent or the occupant of any premises within the Borough; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of the State.
 - E. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.
 - F. State that, unless conditions or practices prescribed in such notice which violate this Part are corrected within the reasonable time specified in such notice, a permit which has been issued pursuant to this Part may be suspended or revoked.

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2. Any person who is affected by any notice which has been issued in connection with the enforcement of any provision of this Part or of any regulation adopted pursuant thereto may request, and shall be granted, a hearing on the matter before the Borough Council; provided, that such person shall file, in the office of the Borough of Ambler, a written petition requesting such hearing and setting forth a brief statement of the ground therefore, within 10 days after the day the notice was served. Upon receipt of such petition, the Borough Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than 10 days after the day on which the petition was filed. Provided, that upon application of the petitioner, the Borough Council may postpone the date of the hearing for a reasonable time beyond such 10 period when in its judgment the petitioner has submitted a good and sufficient reason for such postponement.
3. After such hearing, the Borough Council shall sustain, modify or withdraw the notice, depending upon its finding based on such hearing as to whether or not the provisions of this Part and the regulations adopted pursuant thereto have been complied with. If Borough Council sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if written petition for a hearing has not been filed in the office of the Borough of Ambler within 10 days after such notice was served. In the case of any notice which states that a permit required by this Part may be suspended or revoked, the Borough of Ambler may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.
4. The proceedings at such hearing, including the findings and decision of the Borough Council, shall be summarized, put into writing and entered as a matter of public record in the office of the Borough of Ambler. Such records shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.
5. Whenever the Borough of Ambler finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order citing the existence of such an emergency and the condition violating this Part which requires corrective action to remove such health hazard. If such corrective action has not been taken, the Borough of Ambler may take such action as may be necessary to protect the public health, including stoppage of processing operations. Notwithstanding other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Borough shall be afforded a hearing by the Borough Council as soon as possible, but in any case no later than three days after the petition was filed. After such hearing, depending upon its findings as to whether or not the provision of this Part and of the regulations adopted pursuant thereto have been complied with, the Borough shall continue such order in effect or modify it or revoke it.

(Ord. 857, 8/20/1990, Part I, §5)

§20-106. Inspection.

The Board of Health shall have the power to enter at reasonable times upon private or public property, for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this Part.

(Ord. 857, 8/20/1990, Part I, §6)

§20-107. Refuse Acceptable for Collection.

1. Garbage, putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of food. Garbage will be collected by a private collector until July 1, 1968. After July 1, 1968, garbage will be collected according to §20-109, Refuse Storage.
2. Combustible rubbish consisting of paper, cardboard, tin cans, wood, glass and crockery. (Excluding the recyclables covered in Part 1B).
3. Ashes, the residue from the burning of wood, coal, etc.
4. Noncombustible rubbish, nonputrescible solid wastes, including ashes, metal and similar materials.

(Ord. 857, 8/20/1990, Part I, §7)

§20-108. Refuse Not Acceptable for Collection.

1. Materials or substances, such as poisons, acids, caustics, infected materials and explosives.
2. Materials resulting from the repair, excavation or construction of buildings or structures, such as earth (stones), plaster, mortar and roofing material. (Said refuse must be removed at the expense of the owners of the property of the contractor doing the work).
3. Materials which have not been prepared for collection in accordance with these regulations.
4. Solid wastes resulting from industrial processes.

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5. Broken equipment, broken or discarded furniture or household equipment or metal products not otherwise disposable through the weekly trash pickup. [Ord. 890A]

(Ord. 857, 8/20/1990, Part I, §8; as amended by Ord. 869, 8/19/1991, §1; and by Ord. 890A, 11/18/1991; §1)

§20-109. Refuse Storage.

1. Garbage shall be drained and wrapped in paper and together with tin cans, ashes, bottles, glass, crockery, metal and similar materials shall be stored in durable rust-resisting, nonabsorbent, watertight and easily washable containers, which shall have close-fitting covers and adequate handles or bails to facilitate collection and which shall not be more than four 20 gallon containers in capacity, nor exceed the weight of 60 pounds per container.
 - A. Garbage shall not be stored outdoors in plastic bags and shall be stored in a secured and nonabsorbent container. Any nondomestic generator of solid waste that places its refuse at the curb line or as would otherwise be easily visible to pedestrian traffic must secure all refuse in a container of metal, plastic, vinyl or similarly durable construction with a secured lid. Any person, firm or corporation who shall fail to secure all of the refuse in such containers shall, upon conviction thereof, be sentenced to pay a fine of not less than \$15 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]
 - B. In the event that a plastic bag is found in a ripped or torn condition, it shall be presumed to have contained garbage and the householder shall be liable for the violation of this Part.
2. Bulky Rubbish. Bulky rubbish, such as large cardboard boxes, newspapers and magazines, shall be bundled and not exceed three feet in length or 25 pounds in weight.
3. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the Borough of Ambler, in accordance with the specifications contained in subsections (1) and (2) of this Section. All refuse not acceptable for ordinary collection as provided in §20-108 above in this Part shall not accumulate on any public portion of the property but shall remain inside the premises until the time of its lawful disposal at either a bulk collection or in any other proper and lawful manner. [Ord. 890A]

(Ord. 857, 8/20/1990, Part I, §9; as amended by Ord. 869, 8/19/1991, §2; by Ord. 890A, 11/18/1992, §2, by Ord. 931, -/-/1997; and by A.O.

§20-110. Refuse Collection; Places to be Served.

1. The Department shall collect all refuse acceptable for collection, as provided in §20-107, from all single-family dwellings and all multifamily or apartment dwellings not exceeding four family units. [Ord. 907]
2. The following types of establishments shall not be rendered refuse collection service by the Borough of Ambler:
 - A. Multifamily or apartment dwellings having more than four family units. [Ord. 907]
 - B. Institutions and industrial establishments.
 - C. Business places.

(Ord. 857, 8/20/1990, Part I, §10; as amended by Ord. 903, 10/11/1993, §1-2; and by Ord. 907, 3/21/1994, §§1-2)

§20-111. Frequency and Place of Collection.

1. Householders shall place receptacles containing garbage and combustible rubbish at the curb or designated place for pickup by the Borough of Ambler not later than 6:00 a.m. on the days scheduled for collection or earlier than 4:30 p.m. on the previous day. [Ord. 979]
2. Collections shall not be made on the following holidays, unless otherwise specified by the Borough of Ambler:
 - A. New Year's Day.
 - B. Memorial Day.
 - C. Independence Day.
 - D. Labor Day.
 - E. Thanksgiving Day.
 - F. Christmas Day or days celebrated as such.
3. Containers shall be returned to the household premises by 8:00 p.m. after collection.

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4. No commercial (nondomestic) trash containers shall be emptied or collected on Wednesdays. [Ord. 932]

(Ord. 857, 8/20/1990, Part I, §11; as amended by Ord. 932, 9/1/1997; and by Ord. 979, 6/16/2003, §1)

§20-112. Imposition and Collection of Fee and Charge for Refuse Removal.

The owner of any single-family dwelling, multifamily dwelling or apartment dwelling, not exceeding four family units, shall pay to the Borough of Ambler such sums as are set, from time to time, by Council for each dwelling unit within a structure for refuse collection. Said charge or rental shall be payable quarterly, in advance, at the Borough office, to the Borough Secretary, as billed. The refuse collection fees, charges or rentals shall be paid in advance. A penalty of 1.25% per month (15% annual rate) shall be added to the amount of the bill if payment is not received by the Borough of Ambler within 60 days from the date of the bill. All rental fees and charges and penalties shall be a lien against the property until paid. An annual trash rate of \$264 per year per dwelling unit up to four dwellings.

(Ord. 857, 8/20/1990, Part I, §12; as amended by Ord. 946, 1/3/2000; and by Ord. 971, 1/21/2003)

§20-113. Prohibiting Burning of Combustible Materials in Open Fires or Outside Incinerators.

After July 1, 1968, it shall be unlawful to burn or cause to be burned combustible materials of any kind or nature in outside incinerators. This prohibition shall be construed also to prohibit burning of any debris, substance or material, including leaves on private property as well as public property without first having obtained the written permission of the Borough Fire Marshal. Nothing in this Section shall be construed to apply to the usual use of barbecues or outside fireplaces for the cooking of food.

(Ord. 857, 8/20/1990, Part I, §13)

§20-114. Unlawful to Scatter or Deposit Refuse.

No person in the Borough of Ambler shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway or upon any private property any waste or other material of any kind.

(Ord. 857, 8/20/1990, Part I, §14)

§20-115. Disposition of Refuse Collected.

Any waste to be collected in the Borough, from any source whatsoever, including, but not limited to, residential and/or commercial waste, must be disposed of at the Pottstown landfill, either directly or in accordance with the specific disposal arrangements which have been made by the Authority, for so long as the Pottstown landfill remains the disposal site designated by the Authority and in the event that another facility shall have been designated by the Authority, at that other facility pursuant to the Authority's arrangements.

(Ord. 857, 8/20/1990, Part I, §15)

§20-116. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 857, 8/20/1990, Part I, §16; as amended by A.O.)

B. Collection and Disposal of Recyclables.

§20-121. Legislative Purpose.

1. The reduction of the amount of Borough waste and conservation of recyclable materials is an important public concern by reason of the growing problem of Borough waste disposal and its impact on the environment.
2. The collection of any three of clear glass, colored glass, aluminum, steel and bi-metallic cans, high grade office paper, newsprint, corrugated paper and plastics as may be designated by the Borough, from time to time, for recycling from residences and high grade office paper, aluminum, corrugated paper and leaf waste from commercial and institutional establishments in the Borough will serve the general public interest by reducing the volume of Borough waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste and preserving valuable natural resources and may result in a financial benefit to the residents and taxpayers of the Borough by reason of the income realized from the sale of these recyclable materials and reduced cost of disposal.
3. This Part has been developed to implement Borough responsibilities under Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988.

(Ord. 857, 8/20/1990, Part II, §2)

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§20-122. Purpose and Goals.

It is the purpose of this Part to:

- A. Require waste reduction and recycling as a means of managing Borough waste, conserving resources and supplying energy.
- B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of Borough waste.
- C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.
- D. Establish and implement within the Borough a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at Borough waste processing or disposal facilities.
- E. Recycle at least 25% of all Borough waste and source-separated recyclable materials generated in this Borough on and after January 1, 1997.
- F. The weight or volume of Borough waste generated per capita in this Borough on January 1, 1997, should, to the greatest extent practicable, be less than the weight or volume of Borough waste generated per capita on the effective date of this Part.
- G. Each person living or working in the Borough shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities.
- H. The Borough shall, to the greatest extent practicable, procure and use products and materials with recycled content and procure and use materials that are recyclable.

(Ord. 857, 8/20/1990, Part II, §2)

§20-123. Definitions.

The following words and phrases when used in this Part shall have the meanings given to them in this Section, unless the context clearly indicates otherwise:

ABATEMENT — the restoration, reclamation, recovery, etc., of a natural resource adversely affected by the activity of a person.

BIMETALLIC CONTAINERS — empty food or beverage containers consisting of steel and aluminum.

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 — structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DISPOSAL — the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

GLASS — all products made from silica or sand, soda ash and limestone, the product may be transparent, translucent or colored and may be used as a container for packaging or bottling of various matter and all other material commonly known as glass. Excluded are ceramics, automotive glass, plate glass or heat tempered glass.

HIGH-GRADE OFFICE PAPER — all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

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

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

LOCAL PUBLIC AGENCY —

- A. Counties, cities, boroughs, towns, townships, school districts and any other authority now in existence or hereafter created or organized by the Commonwealth.
- B. All borough or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or any combination thereof.

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- C. Any and all other public bodies, authorities, councils of government, officers, agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.

MULTIFAMILY HOUSING PROPERTIES — any property having more than four dwelling units per structure.

MUNICIPAL RECYCLING PROGRAM — a source separation and collection program for recycling Borough waste or source separated recyclable materials or a program for designated drop-off points or collection centers for recycling Borough waste or source-separated recyclable materials, that is operated by or on behalf of this Borough. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of this Borough. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPAL WASTE — any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The terms does not include source-separated recyclable materials.

MUNICIPALITY — the Borough of Ambler, Montgomery County, Pennsylvania.

OPERATOR — a person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Part.

PERSON — any individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this Part 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 and directors.

PLASTIC BEVERAGE CARRIER — plastic rings or similar plastic connectors used as holding devices in the packaging of beverages including, but not limited to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

POLLUTION — contamination of any air, water, land or other natural resources of this Borough that will create or is likely to create a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare or to domestic, municipal, commercial, indus-

trial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other life.

POST CONSUMER MATERIAL — any product generated by a business or consumer which has served its intended end use and which has been separated or diverted from solid waste for the purposes of collection, recycling and disposition and can be returned to commerce to be reused as a resource in the development of useful products. The term includes industrial byproducts that would otherwise go to disposal or processing facilities. Included are the following:

- A. Clear glass.
- B. Colored glass.
- C. Aluminum.
- D. Steel and bimetallic cans.
- E. High grade office paper.
- G. Newsprint.
- H. Corrugated paper.
- I. Leaf waste.
- J. Plastics.

The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes.

PROCESSING — any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

PROJECT DEVELOPMENT — those activities required to be conducted prior to constructing a processing or disposal facility that has been shown to be feasible including, but not limited to, public input and participation, siting, procurement and vendor contract negotiations and market and municipal waste supply assurance negotiations.

PUBLIC AGENCY — any Commonwealth agency or local public agency.

RECYCLED CONTENT — goods, supplies, equipment, materials and printing containing post consumer materials.

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

RECYCLING CONTAINERS — a three tiered, stackable container with interlocking capability.

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

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 shall not include coal refuse as defined in the Act of September 24, 1968, (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 198, No. 394) known as the Clean Streams Law.

SOLID WASTE — any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

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

STEEL CONTAINERS — empty steel or tin-coated steel food or beverage containers.

STORAGE — the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION — the offsite removal of any municipal waste at any time after generation.

WASTE REDUCTION — design, manufacture or use of a product to minimize weight of municipal waste that requires processing or disposal including, but not limited to:

- A. Design or manufacturing activities which minimize the weight or volume of materials contained in a product or increase durability or recyclability.
- B. Use of products that contain as little material as possible are capable of being reused or recycled or have an extended useful life.

(Ord. 857, 8/20/1990, Part II, §3)

§20-124. Establishment of Program/Grant of Power.

The Borough hereby establishes a recycling program for the mandatory separation and collection of the currently recyclable Borough waste from all residences, businesses or institutions in Ambler for which waste collection is provided by the Borough or any other collector. Collection of the materials to be recycled shall be made periodically by the Borough, their designated agent or any other licensed waste collectors operating in Ambler in the removal of commercial waste. This Part is ordained pursuant to §1201(11) of the Borough Code (P.L. 1656, No. 81, February 1, 1966, as amended).

(Ord. 857, 8/20/1990, Part II, §4)

§20-125. Establishment of Collection Guidelines.

The Borough Manager is hereby authorized and empowered to establish guidelines on the manner, days and times of collections of recyclable materials and the bundling, handling, location and time of placement of such materials for collection to the extent not already provided for in Part 1A of this Part.

(Ord. 857, 8/20/1990, Part II, §5)

§20-126. Separation and Collection.

1. All persons who are residents of the Borough shall separate all Borough waste to be recycled from all other Borough waste produced at their homes, apartments and other residential establishments and to store such material for collection and shall place same for collection in accordance with the guidelines established for nonrecyclable refuse in Part 1A, but to be placed in the recyclable containers provided by the Borough in the first instance.
 - A. An owner, landlord or agent of an owner or landlord of a multifamily rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The col-

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lection system must include use of 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.

2. All persons must separate leaf waste from other Borough waste generated at their houses, apartments and other residential establishments for collection, unless those persons have otherwise provided for composting of leaf waste.
3. Persons must separate high grade office paper, aluminum, corrugated paper and leaf waste generated at commercial, Borough or institutional establishments and from community activities and to store the material until collection by their contract hauler. A person may be exempted from this subsection if the person submits documentation to the Borough annually indicating that designated recyclable materials are being recycled in an appropriate manner.

(Ord. 857, 8/20/1990, Part II, §6)

§20-127. Ownership of Recyclable Materials.

All Borough waste to be recycled placed by the resident for collection by the Borough pursuant to this Part and regulations hereunder shall, from time of pickup, become the property of the collecting contractor, except as otherwise provided by §20-129 of this Part.

(Ord. 857, 8/20/1990, Part II, §7)

§20-128. Collection Prohibited.

It shall be a violation of this Part for any person, firm or corporation, other than the Borough or one authorized by the Borough Council, to collect Borough waste to be recycled, placed by a resident for collection by the Borough, unless such person, firm or corporation has prior written permission to make such collection as set forth in §20-129 of this Part. Each unauthorized collection in violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 857, 8/20/1990, Part II, §8)

§20-129. Other Means of Disposal.

Any resident may donate or sell Borough waste to be recycled to any person, firm or corporation, whether operating for profit or not; provided, that the receiving person,

firm or corporation shall not collect such donated recyclable materials from the collection point of a residence without prior written permission from the Borough Council to make such collection.

(Ord. 857, 8/20/1990, Part II, §9)

§20-130. Enforcement.

1. Any person, firm or corporation who shall violate the provisions of §§20-126 and 20-129 shall receive an official written warning of noncompliance for the first and second offense. Thereafter all such violation shall be subject to the penalties hereinafter provided.
2. Except as hereinafter provide, any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]
3. The Borough reserves the right not to collect Borough waste containing recyclable materials in combination with nonrecyclable materials, nor not rinsed or otherwise prepared in accordance with a Borough regulation covering the same and such goods may be treated as rejected goods.

(Ord. 857, 8/20/1990, Part II, §10; as amended by A.O.)

§20-131. Reporting.

All disposers of Borough recyclable material shall report the weight or volume of materials so disposed to the Borough two times per year, once by August 1 and once by February 1st of the following year or more frequently as provided in Borough regulations.

(Ord. 857, 8/20/1990, Part II, §11)

§20-132. Modifications.

The Borough Council may, from time to time, modify, add to or remove from the standards and regulations herein.

(Ord. 857, 8/20/1990, Part II, §13)

SOLID WASTE

§20-133. Effective Date.

This Part shall take effect and be in force from and after its approval or as required by law, except that the recycling portion or subpart B shall be deemed effective at the earliest, May 15, 1991.

(Ord. 857, 8/20/1990, Part II, §14)