

**ARTICLE 927**  
**Solid Waste Storage, Collection and Disposal**

<p><b>927.01</b> Definitions.</p> <p><b>927.02</b> Prohibited activities.</p> <p><b>927.03</b> Standards for storage of solid waste.</p> <p><b>927.04</b> Standards and regulations for collection.</p>	<p><b>927.05</b> Collection and disposal charges.</p> <p><b>927.06</b> Arbitration.</p> <p><b>927.07</b> Injunction powers.</p> <p><b>927.08</b> Separability.</p> <p><b>927.99</b> Penalty.</p>
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**CROSS REFERENCES**

Solid Waste Management Act - see 35 P.S. §6018.101 et seq.

**927.01 DEFINITIONS.**

(a) The following words and phrases as used in this article shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

- (1) "Act or Act 97" means the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980.)
- (2) "Agricultural waste" means poultry and livestock manure, or residual materials in liquid or solid form, generated in the production, and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forest, or other agricultural lands.
- (3) "Bulky waste" means large items of solid waste including but not limited to large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.
- (4) "Commercial establishment" means any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
- (5) "Construction and demolition waste" means all municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

- (6) "Department" means the Pennsylvania Department of Environmental Resources (DER).
- (7) "Disposal" means the incineration, 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 the Commonwealth of Pennsylvania.
- (8) "Domestic waste or household waste" means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.
- (9) "Garbage" means any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.
- (10) "Hauler or private collector" means any person, firm, copartnership, association or corporation who has been licensed by the Town or its designated representative to collect, transport, and dispose of refuse for a fee as herein prescribed.
- (11) "Hazardous waste" means any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical, or infectious characteristics may:
  - A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population;  
or
  - B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (12) "Industrial establishment" means any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
- (13) "Institutional establishment" means any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, day care centers, schools and universities.
- (14) "Municipal waste" means garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous materials resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludges not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.
- (15) "Municipality" means the Town of McCandless, Allegheny County, Pennsylvania.

- (16) "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, State institution or agency, or any other legal entity which is recognized by law as the subject of rights and duties. 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 and directors.
- (17) "Processing" means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.
- (18) "Refuse" means all solid waste materials which are discarded as useless.
- (19) "Residual waste" means 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 residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act". Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law".
- (20) "Rubbish" means all nonputrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.
- (21) (EDITOR'S NOTE: Former subsection (a)(21) was deleted by Ordinance 1398.)
- (22) "Sewage treatment residues" means any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.
- (23) "Solid waste" means any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.
- (24) "Storage" means the containment of any 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 waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.
- (25) "Transportation" means the off-site removal of any solid waste at any time after generation.

- (26) "Transfer station" means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

(b) In this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.  
(Ord. 1017 §2. Passed 11-27-89.)

#### **927.02 PROHIBITED ACTIVITIES.**

(a) No person shall accumulate or permit to accumulate upon any public or private property within the Municipality, any garbage, rubbish, bulky waste or any other municipal or residual solid waste except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

(b) No person shall burn any solid waste within the Municipality except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

(c) No person shall dispose of any solid waste in the Municipality except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

(d) No person shall haul, transport, collect or remove any solid waste from public or private property within the Municipality without first securing a license to do so in accordance with the provisions of this article.

(e) (EDITOR'S NOTE: Former subsection (e) hereof was repealed by Ordinance 1398.)

(f) No person shall salvage or reclaim any solid wastes within the Municipality except at an approved and permitted resource recovery facility under Act 97 and any Department rules and regulations adopted pursuant to Act 97.

(g) No person shall throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Municipality except as provided in this article.  
(Ord. 1017 §3. Passed 11-27-89.)

#### **927.03 STANDARDS FOR STORAGE OF SOLID WASTE.**

(a) The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.  
(Ord. 1017. Passed 11-27-89.)

(b) Any person producing municipal waste shall obtain a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

(Ord. 1398. Passed 8-22-11.)

(c) Any person storing municipal waste for collection shall comply with the following preparation standards:

- (1) All municipal waste shall be drained of free liquids before being placed in storage containers.
- (2) All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.  
(Ord. 1017. Passed 11-27-89.)
- (3) Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and placed into compostable paper bags. Tree twigs or limbs no greater than four (4) inches in diameter may be bundled. Bundles shall be no more than four feet (4') in length.
- (4) Newspapers and magazines shall be placed in approved containers.  
(Ord. 1398. Passed 8-22-11.)
- (5) When specified by the Municipality or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

(d) All municipal waste shall be stored in containers approved by the Municipality or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:

(Ord. 1017. Passed 11-27-89.)

- (1) Reusable containers shall be as approved by the Town.
- (2) Reusable containers for individual residences shall meet specifications approved by the Town to facilitate collection.
- (3) Disposable plastic bags or sacks are acceptable containers for trash that does not fit into containers specified by the Town. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top and shall be securely tied at the top for collection.
- (4) All containers, either reusable or disposable, shall also comply with minimum national standards.
- (5) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
- (6) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, and drained, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
- (7) Containers shall be used and maintained so as to prevent public nuisances.

- (8) Containers shall be placed by the owner or customer at a collection point specified by the Municipality or its designated representative. Containers shall not be placed at the curb or collection point or side of the road before 7:00 p.m. on the day prior to the pickup.
- (9) With the exception of pickup days when the containers are placed out for collection, the containers shall be stored on the owner or customer premises at all times, and not curbside or along the edge of a road which is not curbed.
- (10) Bulk waste items shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.

(e) The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this article. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Municipality.

(Ord. 1017 §4. Passed 11-27-89; Ord. 1398. Passed 8-22-11.)

#### **§27.04 STANDARDS AND REGULATIONS FOR COLLECTION.**

(a) The Municipality shall contract with a private collector or collectors for the collection of all garbage, rubbish and bulky wastes from individual residents and multi-family residential sources with two or less units to provide this essential residential collection service. (Ord. 1398. Passed 8-22-11.)

(b) All households and homeowners shall utilize the residential collection service provided by the Municipality. (Ord. 1017. Passed 11-27-89.)

(c) All multi-family residential sources (with more than two units), commercial, institutional, and industrial establishments shall individually contract collection service with the Municipality's collector or any other properly licensed waste hauler of their choice.

(d) The Municipality or its contracted hauler shall give notice of residential collection schedules. (Ord. 1398. Passed 8-22-11.)

(e) All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The Municipality reserves the right to require more frequent collection when deemed necessary.

(f) Residential collection schedules shall be published regularly by the Municipality or its contracted hauler.

(g) All solid waste collection activity shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 6:00 p.m. or on Saturdays between the hours of 6:00 a.m. and 6:00 p.m., unless prior approval of any exception has been granted by the Municipality. No collection, hauling or transporting of solid waste shall be permitted on Sunday.

(h) All licensed haulers and haulers under contract with the Municipality shall comply with the following standards and regulations:  
(Ord. 1017 §5. Passed 11-27-89.)

- (1) All municipal waste collected within the Municipality shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan - 1990 or on subsequent revisions thereto.  
(Ord. 1047. Passed 2-25-91.)
- (2) Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97 and must be licensed by the Allegheny County Health Department.
- (3) All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
- (4) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
- (5) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition. (Ord. 1017 §5. Passed 11-27-89.)

#### **927.05 COLLECTION AND DISPOSAL CHARGES.**

(a) Annual fee schedules (if appropriate) shall be published by the Municipality based on any competitively bid residential collection service contract that may be awarded by the Municipality.

(b) The Municipality's contracted hauler and other licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal services provided to residential, commercial, institutional or industrial sources within the Municipality.  
(Ord. 1017 §6. Passed 11-27-89.)

(c) It is the responsibility of the property owner to pay for solid waste collection and disposal services provided to one and two-family residential units.  
(Ord. 1398. Passed 8-22-11.)

#### **927.06 ARBITRATION.**

(a) Whenever any disputes arise between a homeowner and the contractor, the contractor shall be responsible to meet with Town officials and the aggrieved party prior to arbitration. If the dispute is not settled, the contractor may then proceed to arbitration.

(b) In the event of any dispute concerning any of the provisions of this contract, the dispute shall be submitted to a Board of Arbitration, consisting of one person selected by the contractor, one person selected by the Town, and one other person selected by the first two appointees. Every effort will be made to make a prompt determination of the dispute. (Ord. 1017 §7. Passed 11-27-89.)

(c) This section does not apply to issues dealing with payment for services. (Ord. 1330. Passed 4-24-06.)

#### **927.07 INJUNCTION POWERS.**

The Municipality may petition the Court of Common Pleas of Allegheny County, Pennsylvania for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this article. (Ord. 1017 §8. Passed 11-27-89.)

#### **927.08 SEPARABILITY.**

In the event that any section, paragraph, sentence, clause, or phrase of this article be declared unconstitutional or invalid for any reason, the remainder of such article shall not be invalidated by such action. (Ord. 1017 §10. Passed 11-27-89.)

#### **927.99 PENALTY.**

Any person who has violated or permitted the violation of any provision of this Article shall be deemed guilty of a summary offense and shall be fined not more than five hundred dollars (\$500.00), and pay any amount owed for hauler or private collector services, if applicable; plus all court costs, including reasonable attorney fees incurred by the Town or its hauler or private collector as a result thereof. Each day a violation is committed or is permitted to continue shall constitute a separate offense. (Ord. 1243. Passed 4-23-01.)

**ARTICLE 929**  
**Recycling**

<p><b>929.01</b> Definitions.</p> <p><b>929.02</b> Establishment of Program/ grant of power.</p> <p><b>929.03</b> Lead acid batteries.</p> <p><b>929.04</b> Separation and collection.</p> <p><b>929.05</b> Ownership of recyclable materials.</p> <p><b>929.06</b> Collection by unauthorized persons.</p>	<p><b>929.07</b> Existing recycling operations.</p> <p><b>929.08</b> Recycling of materials.</p> <p><b>929.09</b> Enforcement and administration.</p> <p><b>929.10</b> Franchise or license.</p> <p><b>929.11</b> Repeal and severability.</p> <p><b>929.12</b> Modifications.</p> <p><b>929.99</b> Penalty.</p>
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**CROSS REFERENCES**

Municipal Waste Planning, Recycling and Waste Reduction Act - see  
53 P.S. §4000.101 et seq.

**929.01 DEFINITIONS.**

(a) The following words and phrases used throughout this article shall have the following meanings:

- (1) "Act 101" means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.
- (2) "Aluminum" means empty all-aluminum beverage or food cans.
- (3) "Bi-metal containers" means empty food or beverage containers consisting of steel and aluminum.
- (4) "Collector" means the entity or entities authorized by the Town to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Town to collect recyclable materials from those properties.
- (5) "Commercial establishments" means those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than two dwelling units.
- (6) "Community activities" means 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.

- (7) "Corrugated paper" means structural paper material with an inner core shaped in rigid parallel furrows and ridges.
- (8) "Ferrous containers" means empty steel or tin coated food or beverage containers
- (9) "Glass containers" means bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.
- (10) "High grade office paper" means all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.
- (11) "Institutional establishment" means those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.
- (12) "Lead acid batteries" includes but is not limited to automotive, truck and industrial batteries that contain lead.
- (13) "Leaf waste" means leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.
- (14) "Magazines and periodicals" means printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.
- (15) "Multi-family housing properties" means any properties having two or more dwelling units per structure.
- (16) "Municipal establishment" means public facilities operated by the Town and other governmental and quasi-governmental authorities.
- (17) "Municipal waste" means any garbage, refuse, industrial lunchroom or 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 or air pollution control facility. The term does not include source-separated recyclable materials.
- (18) "Municipality" means the Town of McCandless.
- (19) "Newspapers" means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with newspapers.

- (20) "Person(s)" means owners, lessees, and occupants of residences and commercial, municipal and institutional establishments.
- (21) "Plastic containers" means empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Town may stipulate specific types of plastic which may be recycled.
- (22) "Recyclable materials" means materials generated by residences and commercial, municipal and institutional establishments which are specified by the Town and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office papers, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Town or specified in future revisions to Act 101. The recyclable materials selected by the Town may be revised from time to time as deemed necessary by the Town.
- (23) "Recycling" means 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.
- (24) "Residences" means any occupied single or multi-family dwellings having up to two dwelling units per structure for which the Town provides municipal waste collection service.
- (25) "Source separated recyclable materials" means those materials separated at the point of origin for the purpose of being recycled.
- (26) "Waste" means 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 PA Department of Environmental Resources for beneficial use.  
(Ord. 1018 §2. Passed 11-27-89.)

#### **929.02 ESTABLISHMENT OF PROGRAM/GRANT OF POWER.**

(a) The Town hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Town for which waste collection is provided by the Town or any other collector. Collection of the recyclable materials shall be made at least once per week by the Town, its designated agent, or any other solid waste collectors operating in the Town and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The Recycling Program shall also contain a sustained public information and education program.

(b) Specific program regulations are provided as an attachment to original Ordinance 1018. Council is empowered to make changes to program regulations as necessary, as described in Section 929.09. Subsequent changes in the program regulations may be made through approval of Council and public notice and notification of all affected parties.

(c) This article is ordained pursuant to the Town Home Rule Charter.  
(Ord. 1018 §3. Passed 11-27-89.)

#### **929.03 LEAD ACID BATTERIES.**

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this article.  
(Ord. 1018 §4. Passed 11-27-89.)

#### **929.04 SEPARATION AND COLLECTION.**

(a) All persons who are residents of the Town shall separate all of those recyclable materials designated by the Town from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.

(1) Persons in residences shall separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Town for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Town and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Town shall be responsible for leaving the allocated container within the residence or shall pay the replacement cost of such container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this article.

(2) An owner, landlord, or agent of an owner or landlord of a multifamily rental housing property with more than two units shall comply with its recycling responsibilities by establishing a collection system at each property. The collection system shall include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. If recyclable materials are collected by a collector other than the Town or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Town reporting the tonnage of materials recycled during the previous year.

(b) All persons shall separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

(c) Persons shall separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Town generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this subsection if that person submits documentation to the Town annually indicating that the designated recyclable materials are being recycled in an appropriate manner. If recyclable materials are collected by a collector other than the Town or its authorized agent, occupants of such establishments shall submit an annual report to the Town reporting the tonnage of materials recycled during the previous year. (Ord. 1018 §5. Passed 11-27-89.)

#### **929.05 OWNERSHIP OF RECYCLABLE MATERIALS.**

All recyclable materials placed by persons for collection by the Town or authorized collector pursuant to this article shall, from time of placement at the curb, become the property of the Town or the authorized collector, except as otherwise provided by Section 929.07. Nothing in this article shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection. (Ord. 1018 §6. Passed 11-27-89.)

#### **929.06 COLLECTION BY UNAUTHORIZED PERSONS.**

It shall be a violation of this article for any person, firm or corporation, other than the Town or one authorized by Council or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Town or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. 1018 §7. Passed 11-27-89.)

#### **929.07 EXISTING RECYCLING OPERATIONS.**

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials 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 or commercial, municipal or institutional establishment without prior written permission from Council or other entity responsible for authorizing collection of recyclable materials to make such a collection. (Ord. 1018 §8. Passed 11-27-89.)

**929.08 RECYCLING OF MATERIALS.**

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this article. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Town Manager, or his designee, in writing. (Ord. 1018 §9. Passed 11-27-89.)

**929.09 ENFORCEMENT AND ADMINISTRATION.**

(a) The Town Manager or his designee is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this article as deemed necessary, including, but not limited to:

- (1) Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
- (2) Establishing collection procedures for recyclable materials.
- (3) Establishing reporting procedures for amounts of materials recycled.
- (4) Establishing procedures for the distribution, monitoring and collection of recyclable containers.
- (5) Establishing procedures and rules for the collection of leaf waste.

(b) The Town reserves the right not to collect municipal waste containing recyclable materials in combination with nonrecyclable materials. (Ord. 1018 §10. Passed 11-27-89.)

**929.10 FRANCHISE OR LICENSE.**

The Town may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside. (Ord. 1018 §11. Passed 11-27-89.)

**929.11 REPEAL AND SEVERABILITY.**

All ordinances or parts of ordinances inconsistent with this article are hereby repealed to the extent of such inconsistency. Should any part of this article be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this article. It is hereby declared that such parts as are legal would have been erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Town that such remainder shall be and remain in full force and effect. (Ord. 1018 §12. Passed 11-27-89.)

**929.12 MODIFICATIONS.**

The Town may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in Section 929.09. (Ord. 1018 §13. Passed 11-27-89.)

**929.99 PENALTY.**

(a) Any person, firm or corporation who violates the provisions of this article shall receive an official written warning of noncompliance for the first and second offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.

(b) Except as hereinafter provided, any person, firm or corporation who violates any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), and costs of prosecution for each and every offense.  
(Ord. 1018 §10. Passed 11-27-89.)