

**HATBORO BOROUGH  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1080**

**AN ORDINANCE OF HATBORO BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE HATBORO BOROUGH CODE OF ORDINANCES, CHAPTER 20, SOLID WASTE, TO REGULATE THE ADMINISTRATION, ENFORCEMENT AND PENALTIES FOR CONTROL AND COLLECTION OF GARBAGE, REFUSE, AND RECYCLING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to the Borough Code of the Commonwealth of Pennsylvania, including but not limited to Sections 1202(4), and 1202(5), the Borough of Hatboro is authorized to regulate the conditions and maintenance of all property, buildings, and structures within the Borough; and

**WHEREAS**, Chapter 202 (Solid Waste) of the Borough Code addresses the control and collection of garbage, refuse and recycling within the Borough of Hatboro; and

**WHEREAS**, the Borough Council wishes to amend Chapter 20 (Solid Waste) of the Hatboro Code to appropriately and effectively regulate the administration, enforcement and penalties for control and collection of garbage, refuse, and recycling within the Borough.

**NOW, THEREFORE**, be it, **ORDAINED** by the Hatboro Borough as follows:

**I. AMENDMENTS.** Chapter 20 (Solid Waste), of the Hatboro Code is hereby amended as follows:

**Chapter 20 Solid Waste**

**Part 1 CONTROL AND COLLECTION OF GARBAGE, REFUSE, AND RECYCLING**

**§ 20-102 Definitions and Interpretation.**

- 1.** In interpreting this Part, the present tense includes the future; the singular number includes the plural and the plural the singular; and the word person includes natural person, partnership, firm, association, and corporation.
- 2.** Unless otherwise expressly stated, the following words shall for the purpose of this Part have the meaning herein indicated.

**APARTMENT**

A dwelling unit in a building containing three or more units and having direct access to the outside or

access through a common entrance hall.

**ARTICLE, LARGE**

Large articles including, but not limited to, furniture, appliances, and electronic consumer products which article is larger than 18 inches by 12 inches by 12 inches and/or weighs more than 50 pounds.

**ARTICLE, SMALL**

Anything smaller or equal to an article the size of 18 inches by 12 inches by 12 inches and weighs 50 pounds or less.

**BOROUGH**

The duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, United States of America.

**BOROUGH COUNCIL**

The duly elected members of the Borough Council of the Borough of Hatboro.

**BOROUGH ZONING ORDINANCE**

The duly enacted Zoning Ordinance of the Borough Council of the Borough of Hatboro.

**BUILDING LINE**

The line parallel to the street line at a distance therefrom equal to the depth of the front yard required by the Borough Zoning Ordinance [Chapter 27].

**COMMERCIAL ESTABLISHMENT**

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

**CURBSIDE**

The edge of a public street. When a curb exists, the sidewalk or yard side of the curb. When no curb exists, the unpaved side of the edge of the paved street or road.

**DUMPSTER**

Any container for refuse or recyclable materials, whether located on private property or in the public right-of-way, that is serviced by a Provider and designed for repeated reuse.

**GARBAGE**

Solid waste that comes from animal, fruit, grain, or vegetable matter..

**RECYCLING**

The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other items which would otherwise be disposed or processed as municipal waste.

**RUBBISH**

Trash, refuse, any useless waste or rejected matter, or useless part of something. Any matter discarded by owner as no longer needed.

§ 20-104 **General Regulations.**

1. It shall be unlawful for any person not eligible for collection as permitted in § 20-105 of this Part or any person who is eligible to opt out of Borough collection and chooses to do so, to place any garbage or rubbish, or to allow any person not eligible to place any garbage or rubbish, out for collection by the Borough of Hatboro.
2. It shall be unlawful for any person to bring or allow to have imported into the Borough for the purpose of collection by the Borough, any garbage or rubbish generated outside the Borough.
3. It shall be unlawful for any person owning or occupying any building, lot, or premises to allow any garbage or rubbish to collect upon said property, except as follows:
  - A. The accumulation of rubbish resulting from construction or renovations of buildings or structures being carried out under a valid permit issued by the Borough may be permitted to accumulate but must be removed within 30 days from the completion of said project.
  - B. Wood stored for fireplace or stove use, when piled neatly behind the building line.
  - C. Storage of new or used building materials or other new or used items of value when stowed neatly behind the building line and intended for use on the property by the owner or tenant.
4. It shall be unlawful for any person, not authorized to do so, to remove the lid from any refuse container or to collect, molest, or scatter garbage or rubbish set out for collection.
5. It shall be unlawful for any person who owns a pet to allow that pet to remove, molest or scatter any garbage or rubbish from any container.
6. It shall be unlawful for any person to place any garbage or rubbish at curbside for collection before 7:00 p.m. on the evening prior to collection day, or to allow empty containers to remain at curbside after 7:00 p.m. on day of collection. All containers or tied trash bags set out for collection shall be placed at curbside of a public street. The exact pickup locations will be determined by the Borough.
7. It shall be unlawful for any person to burn rubbish, garbage or items that can be recycled.

§ 20-105 **Collection Eligibility.**

1. The following and no others shall be eligible for collection of garbage, trash, refuse, and mandated recyclable materials by the Borough of Hatboro:
  - A. Owners of single-family dwellings or properties or their tenants.
  - B. Owners of multi-family dwellings or their tenants, when the building contains six or less dwelling units located on a single lot.

C. Owners of commercial properties or their tenants, except those as noted in Subsection 2 and except those properties which generate more garbage trash or refuse than the permitted collection limits or those commercial properties or multi-family dwellings which opt out of collection.

2. The following shall be ineligible for collection of garbage or rubbish by the Borough:

A. Any activity which generates contaminated or potentially contaminated waste due to use of petroleum products or toxic chemicals.

B. Any residential complex with more than six residential units or combined residential and commercial units.

C. Restaurants, fast food establishments, animal hospitals, pet stores, and any other retail establishment which generates excessive or potentially dangerous waste.

3. Apartment buildings with four or more units and commercial buildings may opt out of collection of garbage or rubbish by the Borough subject to the Rules and Regulations contained in Section 20-106 and Section 20-107 below.

**§ 20-106 Collection Rules and Regulations.**

1. The following rules and regulations shall govern the containment, storage, and collection of garbage and rubbish in the Borough:

A. Every owner of a building containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof, free of garbage and rubbish at all times.

B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of dwelling or dwelling unit and the premises thereof which they occupy and control.

C. Every occupant of a dwelling or dwelling unit shall dispose of all their rubbish in a clean and sanitary manner by placing it in the rubbish container as required by this Part.

D. Every occupant of a dwelling or dwelling unit shall dispose of all garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in a garbage disposal or garbage storage container as required by this Part.

E. Garbage shall be drained free of liquids and wrapped securely in paper or placed in a tied plastic bag and shall then be placed for collection with trash or refuse in waterproof covered containers. Such containers shall be kept clean and disinfected. The Borough may refuse to collect undrained garbage of a liquid or semi-liquid nature, unwrapped or improperly contained.

F. Rubbish shall be placed in waterproof containers which shall not exceed a capacity of 50 gallons. All containers shall have handles and shall be provided with lids which are wind-proof,

rat-proof, and fly-proof. Tied plastic refuse bags may be used in lieu of refuse containers. Up to four containers or plastic refuse bags per dwelling, dwelling unit, commercial or retail unit may be placed at curbside.

**G.** All cardboard boxes shall be flattened and tied in bundles or placed in containers. Sticks and branches shall be cut to a length not exceeding four feet and tied in bundles not larger than 18 inches in diameter.

**H.** No container, plastic bag, or tied bundle shall exceed 60 pounds, including all contents.

**I.** No live coals or fire shall be placed in any container or placed out for collection.

**J.** No substance containing contagious disease, explosives, flammable, corrosive substance, pesticides, toxic chemical, dead animals, or human feces shall be placed out for collection.

**K.** Animal feces must be wrapped in paper or placed in tied plastic bags, and placed in containers with garbage or rubbish.

**L.** Between collection days, all containers for the storage of garbage or rubbish must be stored in a clean and sanitary location. If stored outdoors they must be stored in a side or rear yard behind the building line or within a specially constructed accessory structure for that purpose erected by permit issued by the Borough.

**M.** Borough employees shall have the right to refuse to collect any garbage or rubbish, or any containers thereof, which is not in compliance with these regulations.

#### **§ 20-107 Use of Private Collectors and Required Registration.**

- 1.** The use of private collectors will not relieve any person from compliance with the applicable provisions of this Part [RG].
- 2.** All persons owning property within the Borough who are not eligible or commercial businesses or apartment owners who are eligible to opt out for garbage or rubbish collection by the Borough are required to contract with private trash haulers for the removal of garbage and rubbish.
- 3.** All private trash haulers must be licensed to operate that type of business in the Commonwealth of Pennsylvania and must register with the Borough. Registration shall be on the form provided by the Borough. Private trash haulers must also abide by all rules and regulations established by the Eastern Montgomery County Solid Waste Authority.
- 4.** Only dumpsters are permitted for collection of rubbish or garbage, no cans are permitted. If a property owner is required to use a dumpster for collection, and unable to meet the requirements, the property owner shall submit a request for an alternative trash collection receptacle to the Borough. The Borough Manager or their designee shall review the request and grant approval to use the alternative trash collection receptacle if appropriate.
- 5.** Collection days must coincide with days the Borough collects trash and rubbish.

6. Property owners who are eligible to opt of Borough trash collection and decide to do so must submit a proposed plan for dumpster location with the Borough and register their private collector with the Borough prior to commencement of collection. Proposals will be reviewed in accordance with requirements set forth in Chapter 22 of the Borough of Hatboro Code of Ordinances.

7. Have their rubbish, garbage and recycling materials collected at least once per week, or more if deemed necessary by the Code Official.

8. Property owners eligible for to opt out of Borough rubbish, garbage and recycling material must do so prior to January of each year. The Borough will not prorate collection fees.

**§ 20-109 Annual Fee to Be Charged.**

1. An annual fee shall be charged by the Borough to all property owners eligible who do not opt out for garbage and rubbish collection by the Borough. The fee will be included with the tax bill for each property.

2. If the property is eligible for Borough trash collection, and the property owner does not opt out it shall be the responsibility of the property owner to insure payment of the annual fee for each eligible residential or commercial unit.

3. Fees may be set on an annual basis by resolution of Borough Council and shall be effective from January 1 until December 31 of the year for which the fee is set.

**§ 20-110 Mandatory Newspaper (Insert OK), White Paper (Gloss or Non-Gloss), Colored Paper (Gloss or Non-Gloss), Computer Paper, Magazines (Gloss or Non-Gloss), Catalogues (Gloss or Non-Gloss), "Junk Mail" (Gloss or Non-Gloss), Paper Bags (Gloss or Non-Gloss), Chipboard (Cereal Boxes, Etc., Gloss or Non-Gloss), Corrugated, Cardboard, Phone Books, and Cardboard Recycling.**

1. There is hereby established a program for the separate collection of newspaper from the residences in the Borough of Hatboro for hauling and resale by the Borough of Hatboro for the purpose of recycling.

2. All persons who are residents of the Borough of Hatboro shall separate newspaper from all solid waste produced at their respective residences, and shall separately bundle the newspaper for collection. The newspaper shall be tied or otherwise secured by such residents in bundles which shall not exceed 35 pounds in weight and which shall not exceed one foot in thickness.

3. Residents shall place the bundled newspaper (inserts OK), white paper (gloss or non-gloss), colored paper (gloss or non-gloss), "junk mail" (gloss or non-gloss), paper bags (gloss or non-gloss), chipboard (cereal boxes, etc., gloss or non-gloss), corrugated cardboard (no wax coated, flatten), phone books, and cardboard at curbside of their respective residences, or at their otherwise authorized usual solid waste collection points, for collection by the Borough. Collection times will be determined by resolution by Hatboro Council. When collection day falls on a holiday, collection will be on the next regularly scheduled recycling day for that quadrant.

4. All newspaper placed by residents as aforesaid for collection by the Borough shall be the property of the Borough from the time of such placement.

5. It shall be a violation of this Part for any person other than the Borough, or a contractor selected to act for the Borough, to collect newspaper placed as aforesaid, unless such person has prior written permission to make such collection as set forth herein.

6. Residents may donate or sell newspaper to any persons, firm, or corporation; provided, that the receiving person, firm, or corporation shall not collect such donated or sold newspaper from curbside of a residence unless such receiving person, firm, or corporation has received prior written permission from the Borough to make such collection.

§ 20-111 **Mandatory Leaf and Grass Recycling**.

1. The Borough of Hatboro hereby establishes a program for the separate collection of leaves and grass in the Borough.

2. Leaves and grass will be collected by the Borough of Hatboro only in biodegradable bags .

3. Leaves and grass will be picked up on regularly scheduled refuse collection days.

4. The Borough of Hatboro shall provide biodegradable bags for purchase at a price to be established by resolution of Borough Council.

5. All leaves and grass collected by the Borough of Hatboro shall be received in accordance with the laws of the Commonwealth of Pennsylvania.

6. It shall be illegal to place leaves or grass in containers with paper, glass, metal, plastic, wood, branches, twigs, or any other trash placed for trash pickup by the Borough of Hatboro.

7. It shall be illegal to place, sweep, or otherwise dispose of leaves or grass in any public or private street or public or private right-of-way.

8. It shall be illegal to burn leaves in any public or private street or public or private right-of-way.

9. It shall be illegal to place leaves or grass for pickup by the Borough of Hatboro on any dates or days other than those established by resolution of Borough Council.

§ 20-112 **Mandatory Glass, Plastic, Polyethylene Terephthalate PETE #1 (Soda & Water Bottles, Remove Caps), High-Density Polyethylene HDPE #2 (All Containers, All Colors, Remove Caps) and Can Recycling.**

1. The Borough of Hatboro hereby establishes a program for the separate collection of glass (clear and colored) and cans (aluminum and tin)

2. The Borough will distribute two plastic recycling buckets to each household. One bucket will be for glass (clear and colored), the other will be for cans (aluminum and tin). Replacement buckets have to be

purchased from the Borough at a price to be determined from time to time by Council.

3. All persons who are residents of the Borough of Hatboro shall separate clear and colored glass and aluminum and tin cans from all solid waste produced at their respective residences, and shall separately place these items in the plastic recycling buckets which are obtained from the Borough of Hatboro. All clear and colored glass and aluminum and tin cans placed by residents for collection by the Borough shall be the property of the Borough from the time of such placement.

4. It shall be a violation of this Part for any person other than the Borough or a contractor selected to act for the Borough to collect clear and colored glass and aluminum and tin cans unless such person has prior written permission to make such collection as set forth herein.

5. Residents may donate or sell clear and colored glass or aluminum and tin cans to any person from a corporation provided that the receiving person or corporation shall not collect such donated or sold glass or cans from curbside of a residence unless such receiving person or corporation has received prior written permission from the Borough to make such collection.

6. It shall be illegal to place any items in the glass plastic recycling buckets other than glass and it shall be illegal to place anything in the can plastic recycling buckets other than aluminum or tin cans.

7. It shall be illegal to place the plastic recycling buckets for pickup by the Borough of Hatboro on any dates or days other than those established by this Part.

8. Glass, plastics polyethylene terephthalate PETE #1 (soda and water bottles, remove caps), high density polyethylene HDPE #2 (all containers, all colors, remove caps) and cans will be collected as determined by resolution by Hatboro Council.

9. Cans will not be crushed.

#### **§ 20-113 Mandatory Electronic Consumer Products Recycling.**

1. Legislative Purpose. In accordance with the provisions of Act No. 101 of 1988, the "Municipal Waste Planning, Recycling, and Waste Reduction Act," 53 P.S. § 4000.101 et seq., the Borough hereby requires and mandates that all aluminum and tin cans, glass, newspapers, high grade office paper, and corrugated paper shall be separated from other waste for separate collection for purposes of recycling by all commercial and institutional establishments.

3. Definitions. Unless the context clearly indicates otherwise, the following words and phrases used throughout this section shall have the following meanings:

#### **ALUMINUM CANS**

All empty beverage and food containers made from aluminum.

#### **CLEAN AND UNCONTAMINATED NEWSPAPER**

Newspaper which has not been exposed to substances or conditions rendering it unfit for recycling purposes.

#### **COMMERCIAL ESTABLISHMENT**

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

**CORRUGATED PAPER**

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

**ELECTRONIC CONSUMER PRODUCTS**

Those items which are powered by some form of electricity, or battery including, but not limited to, computers, laptops, computer monitors and keyboards, VCR's, DVD player/recorders, iPods®, photocopiers, scanners, printers, stereos, microwave ovens and televisions.

**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.

**HIGH GRADE OFFICE PAPER**

All white paper, bond paper, and computer paper used in commercial, institutional, and municipal establishments.

**INSTITUTIONAL ESTABLISHMENT**

Facilities that house or serve groups of people such as schools, hospitals, day care centers, and nursing homes.

**LEAF WASTE**

Leaves and foliage of trees and shrubs and foliar garden residues, but not including grass clippings or tree or shrubbery branches.

**NEWSPAPER**

Paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts, often included with newspapers.

**PERSON**

A lessee, as well as an owner of a residence, and includes a person, firm or corporation which owns or occupies a residence, commercial, or institutional establishment.

**RECYCLABLE MATERIALS**

All source-separated materials as identified by this section in accordance with § 1501 of Act 101 of 1988, 53 P.S. § 4000.1501, specifically including glass, aluminum and tin cans, newspapers, high grade office paper, and corrugated paper.

**3. Establishment of Collection Programs.**

A. The Borough also establishes a mandatory program for the separation and recycling of aluminum and tin cans, glass, newspapers, high-grade office paper and corrugated paper from all commercial, institutional establishments in the Borough. All such establishments shall make provision for the separation and collection of recyclable materials no less than once per month in

accordance with the regulations promulgated hereunder.

**B.** The Borough of Hatboro hereby establishes a program for the separate collection of electronic consumer products, including, but not limited to, computer CPUs and laptops, computer monitors and keyboards, all electronic devices (VCRs, DVD player/recorders, photocopiers, scanners, printers, stereos), microwaves and televisions. The Borough has distributed plastic recycling buckets to each household. All small electronic items must be placed in the recycling bucket for pick up. Large electronic items are to be left at curbside for pickup.

**4. Establishment of Regulations.**

**A.** The Superintendent of Public Works is authorized to establish regulations governing the compliance with this section by all commercial and institutional establishments.

**B.** The regulations promulgated under this section shall include, but not be limited to, the manner and method of collection; the manner of conducting the public information and education programs and manner of enforcement of this section.

**5. Residential Separation Exceptions.**

**A.** The owner of any multi-family rental housing property with four or more units may comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for the sorting and collection of recyclable materials, easily accessible location for the containers and written instructions to all occupants, detailing the use, availability, and requirements of the collection system.

**B.** The owner or its agent of any multi-family rental housing who complies with this Part shall not be liable for the noncompliance of any individual occupant.

**C.** The owner of any multi-family apartment or similar residential establishment shall provide for the collection of all leaf waste from such property in the Borough separately from the collection of waste from such property for disposal by composting, unless such owner shall have otherwise provided for the composting of such material. Annually, such owner of any multi-family apartment or similar residential establishment shall provide written documentation to the Borough of compliance with this provision. Such documentation shall be pursuant to the regulations promulgated under § 20-124 of this Part.

**6. Nonresidential Separation, Exceptions.**

**A.** Persons shall separate high grade office paper, aluminum and tin cans, glass, corrugated paper, and leaf waste generated at any commercial and institutional establishment or community activity within the Borough and provide for the disposal of such materials by recycling.

**B.** The Borough shall require a certificate of compliance from all commercial and institutional establishments, indicating their compliance with this section. Such certificate shall be pursuant to the regulations promulgated by the Superintendent of the Public Works Department.

**7. Violations and Penalties.**

A. Any person who shall violate the provisions of this section or any person, firm, or corporation who shall violate the provisions of this section hereof, 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 hereinbefore provided, any person, firm or corporation who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine in an amount not to be 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.

§ 20-114 **Rules and Regulations.**

Borough Council may adopt rules and regulations from time to time to carry out the provisions of this Part.

§ 20-115 **Violation and Penalties.**

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. Each day that a violation of this Part continues shall constitute a separate offense.

**Part 2 MUNICIPAL WASTE MANAGEMENT**

§ 20-201 **Title.**

The title of this Part shall be the "Hatboro Borough Municipal Waste Management Ordinance" and the same may be cited in that manner.

§ 20-202 **Definitions; Word Usage.**

1. The following words and phrases as used in this Part shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning.

**ACT 90**

The Pennsylvania Waste Transportation Safety Act of 2002, P.L. 596, No. 90, June 29, 2002, 27 Pa.C.S.A. § 6701 et seq.

**ACT 97**

The Pennsylvania Solid Waste Management Act of 1980, P.L. 380, No. 97, July 7, 1980, 35 P.S. § 6018.101 et seq.

**ACT 101**

The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 1988-101, July 28, 1988, 53 P.S. § 4000.101 et seq.

**BOROUGH**

The Borough of Hatboro, Montgomery County, Pennsylvania.

**COMMERCIAL ESTABLISHMENT**

Any establishment engaged in a nonmanufacturing or non-processing business including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

**COMMUNITY ACTIVITY**

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

**COUNTY**

The County of Montgomery, Pennsylvania.

**DETACHABLE CONTAINER OR MECHANICAL BIN**

Any container which may be mechanically lifted and emptied into the collection vehicle.

**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 the Commonwealth of Pennsylvania. Disposal facilities include, but are not limited to, municipal waste landfills and construction/demolition waste landfills as defined by Act 101, Act 97, and/or Department of Environmental Protection (DEP) rules and regulations (e.g., 25 Pa. Code, Chapters 76 and 271).

**GARBAGE**

Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals, or human and animal excrement.

**GOVERNING BODY**

The elected officials of the Borough of Hatboro, Montgomery County, Pennsylvania.

**INDUSTRIAL ESTABLISHMENT**

Any establishment engaged in manufacturing or production activities including, but not limited to, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

**INSTITUTIONAL ESTABLISHMENT**

Any establishment or facility engaged in services including, but not limited to, hospitals, nursing homes, schools and universities.

**LEAF WASTE**

Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

**LICENSED COLLECTOR OR LICENSED WASTE HAULER**

A person who has written authorization from the PADEP under Act 90 to collect, haul, transport and

dispose of municipal waste.

**MULTI-FAMILY HOUSING PROPERTY**

Property containing more than four dwelling units in one building and all dwellings within the building shall have common ownership.

**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 under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials.

**PERSON**

Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity recognized by law as the subject of rights and duties. 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.

**PROCESSING**

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 materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, recycling facilities, composting facilities, and resource recovery facilities.

**RECYCLABLE MATERIALS**

Those materials specified by the Borough for separate collection in accordance with recycling regulations. Such materials may include, but shall not be limited to, leaf waste, yard waste, glass containers, aluminum containers, steel containers, bimetallic containers, office paper, newsprint, corrugated paper, and plastics.

**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 generation of energy.

**REFUSE**

All solid wastes, except body wastes; and shall include, but is not limited to, garbage, ashes, bulk waste and rubbish; except that the refuse shall specifically exclude hazardous waste and source-separated recyclable materials.

**RESIDENTIAL PROPERTY**

All properties used for residential purposes, regardless of the number of dwelling units, except for multifamily housing properties.

**RESIDUE**

Solid materials remaining after burning including, but not limited to, ashes, metals, glass, ceramics, and unburned organic substances.

**RUBBISH**

Solid waste exclusive of garbage (e.g., nonrecyclable glass, metal, paper or plastic, and noncompostable plant material, wood or nonputrescible solid waste).

**SCAVENGING**

The unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a processing or disposal facility.

**SOLID WASTE**

Garbage, refuse, and other discarded solid materials including, but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities. Liquids, semisolids, and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

**SOLID WASTE MANAGEMENT**

The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

**SOURCE-SEPARATED RECYCLABLE MATERIALS**

Materials, including leaf waste, which are separated from municipal waste at the point of origin or generation for the purpose of recycling.

**TRANSFER STATION**

A fixed facility used for receiving refuse from collection trucks and placing it in large-volume, long-haul vehicles.

**TRANSPORTATION**

The off-site removal of any municipal waste at any time after generation.

**YARD WASTE**

Leaf waste, as defined above and grass clippings.

2. For the purpose of this Part, the singular shall include the plural and the masculine shall include the feminine and neuter.

§ 20-203 **Responsibility.**

The Borough Council of the Borough of Hatboro shall be responsible for all aspects of municipal waste management within Hatboro Borough.

§ 20-204 **Municipal Waste Management at All Properties.**

1. All persons shall store, collect, haul, transport, process and dispose of any municipal waste in accordance with the provisions of this Part, any applicable municipal ordinance, the Montgomery County Municipal Waste Management Plan Revision 2006-2015, Act 90, Act 101, the minimum standards and requirements established in 25 Pa. Code, Chapter 285, of the PADEP municipal waste management regulations, any applicable Montgomery County Department of Health regulations, and/or any other federal, state, or local regulations.

2. No person owning or occupying any property with the Borough shall permit any municipal waste to accumulate for a period of longer than seven days.

3. It shall be unlawful to keep or allow in or about any dwelling or upon any land or other premises within the municipality solid waste of any kind which is obnoxious or offensive by reason of dust or odor, or which attracts insects and vermin, except in covered receptacles. The cover shall be tight and fly-proof; and it shall be unlawful to retain accumulation of any said solid waste so as to constitute a menace to the health and safety, it being a presumption that such a menace exists when more than seven days have elapsed after such solid waste is originally retained, accumulated or permitted to accumulate; and nothing herein contained shall be construed to permit the retention of any solid waste which is or becomes obnoxious or offensive by reason of dust or odor, or which attracts insects or vermin.

4. No volatile liquids, explosives, radioactive material or containers which would explode upon contact with heat or fire shall be placed for collection, except small (retail-sold) spray cans.

5. No hazardous waste shall be stored or placed for collection on residential properties except for small quantities of such waste normally found in the household and available on a retail basis to the homeowner.

**§ 20-205 Municipal Waste Management at Residential Properties.**

1. Hatboro Borough, or an authorized person or persons under contract by the Borough, shall collect, transport, process and dispose all municipal waste generated at residential properties within the Borough. In the event that the Borough, or an authorized person or persons under contract by the Borough, does not collect, transport, process or dispose municipal waste, then all persons owning or occupying residential properties shall contract directly with a license collector or licensed waste hauler for such services.

2. All persons owning and occupying residential properties shall make municipal waste available for collection at such times and dates as may be established by regulation.

3. All people shall provide a sufficient number of containers for the collection and storage of municipal waste.

4. Preparation for Collection. Municipal waste must be placed in a suitable container which has a tight-fitting cover and handles, is watertight and animal proof and easily carried by the collector. Containers shall not be less than 20 gallons or more than 35 gallons in capacity. The municipal waste and container combined shall weigh less than 50 pounds.

5. Placement of Municipal Waste and Containers. Municipal waste and containers shall be placed at the

curb or street line or at an area designated by the Borough; separate from recyclable materials for collection at such times and dates as may be hereinafter established by regulation. Municipal waste and containers shall not be placed in a location which obstructs a public sidewalk or which impedes clear vision for motorists.

6. Times for Placement and Removal of Containers. Municipal waste and containers shall be stored on the owner's property and shall not be placed at the curb or street line or at an area designated by the Borough, for collection before 6:00 p.m. on the evening preceding a scheduled collection day. Empty containers shall be removed from the curb by 10:00 p.m. on the day of collection. Containers shall not be kept at the curb or street line or at an area designated by the Borough, between scheduled collections, and they shall be stored on the owner's property in such location to be unseen from public streets or roads or from the front yards of immediate neighboring property.

7. When detachable containers or mechanical bins are in use, they shall be easily accessible to the collection vehicle.

**§ 20-206 Municipal Waste Management at Multifamily Housing Properties, Commercial, Industrial and Institutional Establishments and Community Activities.**

1. All persons owning or managing multifamily housing properties, and commercial, industrial, institutional, or municipal establishments and all organizers of community activities shall establish, implement, and manage a program for the storage, collection, transportation, processing and disposal of municipal waste generated at their properties or community activities in compliance with § 20-204, Subsection 1, above.

2. Frequency of Collection. Municipal waste for all commercial, industrial, institutional, and municipal establishments shall be collected as often as required by generated volumes and environmental conditions, but not less than once a week.

**§ 20-207 Outdoor Burning Prohibited.**

No person shall burn or cause to burn outdoors for purposes of disposal any municipal waste, yard waste, or recyclable materials.

**§ 20-208 Enforcement.**

The Borough Manager, the Borough Manager's designee, and sworn Hatboro Borough Police Officers are hereby authorized and directed to enforce this Part.

**§ 20-209 Establishment of Regulations.**

The Borough Council of Hatboro Borough may, by resolution, establish and promulgate regulations to administer and implement this Part. These regulations may be amended, by resolution, from time to time by the Borough Council of Hatboro Borough.

**§ 20-210 Violations and Penalties.**

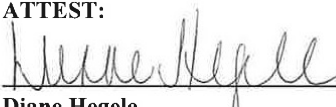
Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to

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. For purposes of this section, the doing of any act or thing prohibited by any provision of this Part, or the failure to do any act or thing as to which may any provision of this Part creates any affirmative duty, shall constitute a violation of this Part punishable as herein stated.

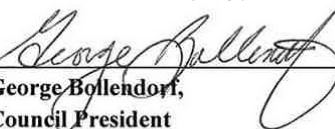
- II. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.
- IV. This Ordinance shall become effective immediately following its legal enactment.

ENACTED AND ORDAINED this 2 day of ~~December~~ 2024.


ATTEST:

  
\_\_\_\_\_  
Diane Hegele,  
Borough Manager

BOROUGH OF HATBORO:

By:   
\_\_\_\_\_  
George Bollendorf,  
Council President

APPROVED:

  
\_\_\_\_\_  
By: Timothy Schultz,  
Borough Mayor