

ARTICLE 950 - City of New Castle Municipal Solid Waste

- 950.01 Title
- 950.02 Establishment of Program
- 950.03 Purpose
- 950.04 Education Program
- 950.05 Definitions
- 950.06 General
- 950.07 Residential Properties
- 950.08 Commercial, Industrial, Institutional Properties and Community Activities
- 950.09 Recyclables
- 950.10 Leaf Waste
- 950.11 Authorization of Commercial Haulers
- 950.12 Collection by Unauthorized Persons
- 950.13 Transportation of Municipal Solid Waste, Recyclables, or Leaf Waste
- 950.14 Disposal of Municipal Waste
- 950.15 Unlawful Disposal of Municipal Waste
- 950.16 Bulky Items, Large Items and White Goods
- 950.17 Construction and Demolition Waste
- 950.18 Dumping and Litter
- 950.19 Exclusions
- 950.20 Service Fees and Billing for Residential Service
- 950.21 Service Fees and Billing for Commercial, Industrial, Institutional Properties and Community Activities
- 950.22 Service Fees and Billing Exclusions
- 950.23 Enforcement and Administration
- 950.24 Penalties
- 950.25 Other Remedies
- 950.26 Severability
- 950.27 Amendments
- 950.28 Applicability
- 950.29 Effective Date
- 950.30 Repealer

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950.01 TITLE.

This Ordinance shall be known as the "City of New Castle Municipal Solid Waste Ordinance." (Ord. 8439. Passed 04/06/2023.)

950.02 ESTABLISHMENT OF PROGRAM.

The City hereby establishes a program for municipal solid waste management and the mandatory separation of recyclables and leaf waste from municipal waste which will be collected for disposal from residential dwellings, and commercial, industrial, and institutional establishments. (Ord. 8439. Passed 04/06/2023.)

### 950.03 PURPOSE.

(a) It is the intent and purpose of this Ordinance to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss associated with municipal solid waste accumulated or stored upon any property within the City. (Ord. 8439. Passed 04/06/2023.)

(b) City of New Castle, recognizing that the reclamation of recyclable materials and the composting of leaf waste has become an important method for addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, transportation and processing of municipal solid waste, recyclable materials and leaf waste in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 ("Pennsylvania Act 101") the Lawrence County Solid Waste Management Plan, and this Ordinance. (Ord. 8439. Passed 04/06/2023.)

(c) This Ordinance is intended to be an integral part of an overall system designed to facilitate recycling and waste minimization and foster the cooperation of the residents and businesses by providing that all residential, commercial, industrial, and institutional waste shall be collected, transported, and disposed of within the following conditions: (Ord. 8439. Passed 04/06/2023.)

- (1) For the purpose of municipal waste, source separated recyclables and leaf waste collection, all developed residential properties, except as exempted herein, shall be participate and be served by a hauler through an exclusive contract with the City to the extent provided by this Ordinance. Fees for residential service shall be established by agreement between the City and the hauler and may be amended by resolution, from time to time, consistent with said agreement. All commercial, industrial and institutional establishments shall be served by a hauler with which they contract directly. (Ord. 8439. Passed 04/06/2023.)
- (2) Haulers collecting municipal solid waste shall be authorized by the Commonwealth of Pennsylvania. (Ord. 8439. Passed 04/06/2023.)
- (3) All municipal solid waste shall be disposed of at a facility designated in the Lawrence County Municipal Solid Waste Management Plan and in accordance with state, federal, and county laws and ordinances. (Ord. 8439. Passed 04/06/2023.)
- (4) Source separated recyclables and leaf waste shall be managed in accordance with Pennsylvania Act 101 and the Lawrence County Municipal Solid Waste Management Plan and shall not be collected and removed for disposal at a landfill. (Ord. 8439. Passed 04/06/2023.)
- (5) These conditions are established to ensure City compliance with Pennsylvania Act 101 and the Lawrence County Municipal Solid Waste Management Plan.(Ord. 8439. Passed 04/06/2023.)

### 950.04 EDUCATION PROGRAM.

The City hereby establishes an education program for municipal solid waste management, recycling and composting in accordance with the provisions of Pennsylvania Act 101 and this Ordinance. Educational materials and presentations shall be designed to increase the participation of both residents and business; to meet the recycling rates and goals established by the Commonwealth; and to encourage waste minimization and pollution prevention within the City. (Ord. 8439. Passed 04/06/2023.)

## 950.05 DEFINITIONS.

When used in this Ordinance the following terms shall have the following meaning: (Ord. 8439. Passed 04/06/2023.)

(a) Backyard Collection Service – A location at which the Contractor must walk or drive beyond the curbside to retrieve Municipal Solid Waste and Recycling for collection. Backyard Collection Service is limited to a distance of 150 feet from the curb, except for those residential accounts which meet the criteria of the American Disabilities Act. (Ord. 8439. Passed 04/06/2023.)

(b) “Bags” shall mean plastic sacks designed for solid waste with sufficient wall strength to maintain physical integrity when lifted by top; securely tied at the top for collection, with a capacity not to exceed 32 gallons and a loaded weight not to exceed 40 pounds. (Ord. 8439. Passed 04/06/2023.)

(c) “Base Collection Rate” shall mean the monthly cost per unit for municipal solid waste collection service, which includes the collection of recyclables, leaf waste and Christmas trees at no additional cost. (Ord. 8439. Passed 04/06/2023.)

(d) “Bulky Items” shall mean a large appliance, piece of furniture or waste material from a residential source other than Construction Debris, Hazardous Waste, or Covered Devices included in the Covered Device Recycling Act now or as may be amended. (Ord. 8439. Passed 04/06/2023.)

(e) “Cart” shall mean a 95-gallon wheeled cart used to store municipal solid waste or recyclables for collection. (Ord. 8439. Passed 04/06/2023.)

(f) “City” shall mean the City of New Castle, a body corporate and politic, existing and operating under the laws of the Commonwealth of Pennsylvania. (Ord. 8439. Passed 04/06/2023.)

(g) “City Administrator” shall refer to the City’s designated representative that will administer the agreement between the Contractor and the City. Wherever the word “City Administrator” is used, it will be considered as referring to the City. (Ord. 8439. Passed 04/06/2023.)

(h) “City Bag” shall refer to a 32-gallon (or larger), heavy duty, plastic bag sold by or with the permission of the Contractor and bearing, at a minimum, the Contractor’s logo. Said bag shall be specific to the City and shall only be used for collection in the City. (Ord. 8439. Passed 04/06/2023.)

(i) “Contractor” shall mean the individual or entity with whom the City contracts for the residential collection of municipal solid waste, leaf waste, recyclables, large items, white goods, bulky items and Christmas trees as permitted and required pursuant to this ordinance. (Ord. 8439. Passed 04/06/2023.)

(j) “Composting” shall mean the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. (Ord. 8439. Passed 04/06/2023.)

(k) “Compost(able) bag” shall mean a paper bag specifically designed to hold leaf waste, the material to be biodegradable and compatible with composting facilities. A compost bag shall hold no more than 50 gallons when full and weigh no more than 40 pounds when filled. (Ord. 8439. Passed 04/06/2023.)

(l) “Commercial” shall mean any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. Multifamily dwellings and townhomes of greater than four units, not individually owned, mobile home parks, hotels, motels, mixed use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. The term does not include properties where the primary permitted use is residential and an accessory use is commercial (i.e., home occupations). (Ord. 8439. Passed 04/06/2023.)

(m) “Commercial Hauler(s)” shall mean any person authorized by the Commonwealth of Pennsylvania as a regular hauling business that collects and/or transports municipal waste, recyclables, and leaf waste which is generated within the City, to municipal waste landfills, recycling facility and/or leaf waste composting facility. (Ord. 8439. Passed 04/06/2023.)

(n) “Community Activities” shall mean events sponsored in whole or in part by the City, or conducted within the City and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day. (Ord. 8439. Passed 04/06/2023.)

(o) “Construction Debris” shall mean waste building materials resulting from construction, remodeling, repair, or demolition operations. (Ord. 8439. Passed 04/06/2023.)

(p) “Container” shall mean a metal or plastic receptacle used for municipal solid waste and /or recyclables collection. (Ord. 8439. Passed 04/06/2023.)

(q) “Contaminated” shall mean a container in which its contents include a combination of 1) materials not specified by the City to be separated for recycling, 2) bagged recyclables, 3) materials rendered nonrecyclable by direct contact with moisture, residue and debris from gross contamination, 4) gross contamination. (Ord. 8439. Passed 04/06/2023.)

(r) “Corrugated Paper” shall mean a structural paper material with an inner core shaped in rigid parallel furrows and ridges. (Ord. 8439. Passed 04/06/2023.)

(s) “Covered Device Recycling Act – (House Bill 708), Act 108 of 2010: shall mean an Act establishing a recycling program for certain covered devices; imposing duties on manufacturers and retailers of certain covered devices; providing for the powers and duties of the Department of Environmental Protection and for enforcement; establishing the Electronic Materials Recycling Account in the General Fund; and prescribing penalties. (Ord. 8439. Passed 04/06/2023.)

(t) “Covered Device” shall mean a covered computer device and covered television device marketed and intended for use by a consumer. Covered devices are not acceptable for curbside collection and disposal. Covered devices include: (Ord. 8439. Passed 04/06/2023.)

(1) “Covered computer device” shall mean a desktop or notebook computer or computer monitor or peripheral, marketed and intended for use by a consumer. (Ord. 8439. Passed 04/06/2023.)

(2) “Covered television device” shall mean an electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable or satellite, including, without limitation, any direct view or projection television with a viewable screen of four inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal,

digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode or similar technology marketed and intended for use by a consumer primarily for personal purposes. (Ord. 8439. Passed 04/06/2023.)

(3) “Peripheral” shall mean a keyboard, printer or any other device sold exclusively for external use with a computer that provides input into or output from the computer. (Ord. 8439. Passed 04/06/2023.)

(u) “Curbside” shall mean from any structure, the nearest point at the side of a City or State maintained roadway, or from a multifamily dwelling with a private roadway, the nearest point at the side of the private roadway, provided the property owner(s) has/have issued a waiver for collection vehicles to travel along the roadway for collection. (Ord. 8439. Passed 04/06/2023.)

(v) “Curbside Recycling” shall mean recycling services generally provided to single family structures, multifamily dwellings of 4 or less attached units, and small commercial establishments. Recyclables are placed by customers at curbside locations for collection. (Ord. 8439. Passed 04/06/2023.)

(w) “Customer” shall mean a resident or property owner in the City for which Contractor provides the services required of it pursuant to this ordinance and an agreement between the City and Contractor. (Ord. 8439. Passed 04/06/2023.)

(x) “Detachable Container (also at times referred to as "dumpster")” shall mean a watertight, all-metal container, not less than 3/4 cubic yards in capacity and equipped with a tight-fitting metal or plastic cover. The term shall also apply to containers of other material of similar size when approved by the City. (Ord. 8439. Passed 04/06/2023.)

(y) “Disposal” shall mean 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. (Ord. 8439. Passed 04/06/2023.)

(z) “Disposal Site” shall mean a refuse depository for the processing or final disposal of municipal solid waste including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction. (Ord. 8439. Passed 04/06/2023.)

(aa) “Exclusive Contract” shall mean an agreement entered by the City of New Castle, or its designated agent, with a person for the collection and disposal of all residential municipal solid waste recyclables, leaf waste, Christmas trees, bulky items, large items, and white items, within City of New Castle. (Ord. 8439. Passed 04/06/2023.)

(bb) Exclusive Hauler – a commercial hauler which with the City contracts exclusively with for the collection and disposal of all residential municipal solid waste, recyclables, leaf waste, Christmas trees, bulky items, large items, and white items, within City of New Castle. (Ord. 8439. Passed 04/06/2023.)

(cc) “Food Waste” shall mean vegetable and other food scraps, including meat, dairy products, grease and bones; paper which has been contaminated with food, fat or grease; and compostable paper including paper towels, paper plates, tissue and waxed paper. (Ord. 8439. Passed 04/06/2023.)

(dd) “Garbage” shall mean all discarded putrescible municipal solid waste matter but not including sewage or sewage sludge, or human excrement. For the purposes of this ordinance, the term does not include source-separated recyclable materials, leaf waste, construction debris, hazardous waste, or covered devices included in the Covered Device Recycling Act now or as may be amended. (Ord. 8439. Passed 04/06/2023.)

(ee) “Generator” shall mean a person or municipality that produces or creates a municipal solid waste. (Ord. 8439. Passed 04/06/2023.)

(ff) “Gross Contamination” shall mean for the purpose of recycling under this ordinance, gross contamination includes liquids, food, feces, carcasses, organic matter, other putrescible waste, items used for personal hygiene, chemicals, and other materials that through direct contact can destroy the value of recyclable materials making further sorting and processing prohibitive. (Ord. 8439. Passed 04/06/2023.)

(gg) “Hazardous Waste” shall mean waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection. (Ord. 8439. Passed 04/06/2023.)

(hh) “Immediate Family Member” shall mean a biological, adoptive, half or step, parent, child or sibling. (Ord. 8439. Passed 04/06/2023.)

(ii) “Industrial” shall mean any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, and refineries. (Ord. 8439. Passed 04/06/2023.)

(jj) “Institutional” shall mean any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities. (Ord. 8439. Passed 04/06/2023.)

(kk) “Leachate” shall mean a liquid that has permeated through or drained from solid waste. (Ord. 8439. Passed 04/06/2023.)

(ll) “Large Items” shall mean items that are too large to be placed inside of a 32-gallon bag or a 95-gallon cart with an individual weight no greater than that allowed for a can or bag and which do not meet the definition of a Bulky Item. These items include lamps, bicycles, large toys and swing sets, vacuum cleaners, and other small household appliances, aluminum and plastic resin lawn furniture, an individual cut and tied bundle of carpeting measuring no more than 4 feet in length, and meeting the weight requirements, as well as other items of similar size, weight, and compactable nature. (Ord. 8439. Passed 04/06/2023.)

(mm) “Leaf Waste” shall mean leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings. Leaf Waste does not include loose soils, sod; food waste, including from gardens or orchards; Food compost; plastics and synthetic fibers; lumber; any wood or tree limbs over four (4) inches in diameter; human or animal excrement; noxious weeds and soil contaminated with hazardous substances. Materials larger than four inches in diameter and four feet in length shall not be considered leaf waste. (Ord. 8439. Passed 04/06/2023.)

(nn) “Leaf Waste Composting Facility” shall mean a facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment

sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility. (Ord. 8439. Passed 04/06/2023.)

(oo) “Marketed” shall mean the transfer of ownership of recyclable materials for the purpose of recycling the materials into a new product or use. (Ord. 8439. Passed 04/06/2023.)

(pp) “Multifamily Dwellings” shall mean structures for residential living consisting of four or less attached units. (Ord. 8439. Passed 04/06/2023.)

(qq) “Municipal Solid Waste” shall mean any garbage, refuse, food waste, lunchroom, retail or office waste and other material, not including liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, and small commercial establishments and from community activities. For the purposes of this ordinance, the term does not include source-separated recyclable materials, leaf waste, construction debris, hazardous waste, or covered devices included in the Covered Device Recycling Act now or as may be amended. Specifically, the Lawrence County Municipal Solid Waste Management Plan. (Ord. 8439. Passed 04/06/2023.)

(rr) “Municipal Waste Landfill” shall mean a facility using land for disposing of municipal solid waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge. (Ord. 8439. Passed 04/06/2023.)

(ss) “Municipal Solid Waste Management Plan” shall mean a comprehensive plan for an adequate municipal waste management system in accordance with Chapter 272, Subchapter C (relating to municipal waste planning). (Ord. 8439. Passed 04/06/2023.)

(tt) “Municipal Waste” see Municipal Solid Waste. (Ord. 8439. Passed 04/06/2023.)

(uu) “Permit” shall mean a permit issued by the Department to operate a municipal waste disposal or processing facility, or to beneficially use municipal waste. The term includes a general permit, permit-by-rule, permit modification, permit reissuance, and permit renewal. (Ord. 8439. Passed 04/06/2023.)

(vv) “Person” shall mean an individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. (Ord. 8439. Passed 04/06/2023.)

(ww) “Processing” shall mean 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. (Ord. 8439. Passed 04/06/2023.)

(xx) “Recyclables or Recyclable Materials” shall mean aluminum bottles and cans, steel, tin, and bi-metal cans, plastic bottles and jugs (HDPE and PET only), newsprint including all types of inserts delivered in subscription and promotional newspapers and similar periodicals, magazines, and multi grades of corrugated cardboard, paper board and other mixed paper. (Ord. 8439. Passed 04/06/2023.)

(yy) “Recycle or Recycling” shall mean the collection, separation, recovery and sale or reuse of metals, 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. (Ord. 8439. Passed 04/06/2023.)

(zz) “Recycling Facility” shall mean 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. (Ord. 8439. Passed 04/06/2023.)

(aaa) “Refuse” shall mean discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish or a combination thereof. (Ord. 8439. Passed 04/06/2023.)

(bbb) “Residential Unit” shall mean a group of rooms located within a building and forming a single inhabitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating. Buildings are included that contain four or less separate or contiguous single-family dwelling units with each unit to be treated separately for purposes of billing. (Ord. 8439. Passed 04/06/2023.)

(ccc) “Residence, Residential” shall mean any house, dwelling, multiunit residence, apartment house, or any building put to residential use except mixed use buildings, as defined in the City zoning ordinance. (Ord. 8439. Passed 04/06/2023.)

(ddd) “Residual Waste” shall mean 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, waste water 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 sludge 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 act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law. (Pennsylvania Act 101, Section 103). (Ord. 8439. Passed 04/06/2023.)

(eee) “Solid Waste” see Municipal Solid Waste. (Ord. 8439. Passed 04/06/2023.)

(fff) “Source-separated Recyclable Materials” shall mean materials that are separated from municipal waste at the point of origin for the purpose of recycling. (Ord. 8439. Passed 04/06/2023.)

(ggg) “Spillage or Spillage Occurrence” shall mean any garbage, broken glass or liquid effluent from the refuse vehicle including but not limited to, garbage effluent, hydraulic fluid, oil, etc. which is deposited on any roadway, public or private. A single spillage occurrence shall be considered (per truck/per day/per street). For example, if a truck has spillage throughout a residential subdivision, spillage(s) on each street on a given day by the same truck shall count as ‘a spillage occurrence’. On the other hand, a single spillage (per truck/per day/per street) shall also constitute ‘a spillage occurrence’. (Ord. 8439. Passed 04/06/2023.)

(hhh) “Structure” shall mean all single-family homes, and multifamily dwellings of four units or less. It also means facilities owned and/or operated by the City. (Ord. 8439. Passed 04/06/2023.)



(iii) “Total Monthly Cost” shall mean the total cost, for customers, per month of collection service for municipal solid waste, leaf waste, and recyclable materials. (Ord. 8439. Passed 04/06/2023.)

(jjj) “Unacceptable Waste” the following categories of materials are considered unacceptable for collection and disposal as municipal solid waste: (Ord. 8439. Passed 04/06/2023.)

- (1) Hazardous waste. (Ord. 8439. Passed 04/06/2023.)
- (2) Residual waste. (Ord. 8439. Passed 04/06/2023.)
- (3) Unsterilized or unprocessed infectious or pathological waste. (Ord. 8439. Passed 04/06/2023.)
- (4) Chemotherapeutic waste. (Ord. 8439. Passed 04/06/2023.)
- (5) Gas cylinders. (Ord. 8439. Passed 04/06/2023.)
- (6) Explosives and ordinance materials. (Ord. 8439. Passed 04/06/2023.)
- (7) Liquid waste (i.e. containing less than 20% solids by weight or flowable). (Ord. 8439. Passed 04/06/2023.)
- (8) Drums, barrels, and buckets unless lids have been removed and interiors cleaned and free of any residue. (Ord. 8439. Passed 04/06/2023.)
- (9) Radioactive materials. (Ord. 8439. Passed 04/06/2023.)
- (10) Any solid waste generated outside of the City. (Ord. 8439. Passed 04/06/2023.)
- (11) Automotive parts, including tires. (Ord. 8439. Passed 04/06/2023.)

(kkk) “White Goods” shall include all major appliances, such as washers, dryers, refrigerators, freezers, stoves, dishwashers, hot water tanks, and trash compactors and other items of similar weight, material, size, and nature. (Ord. 8439. Passed 04/06/2023.)

#### 950.06 GENERAL.

The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance. Any person accumulating or storing municipal waste on private or public property shall insure the sanitary and legal disposal of such waste in accordance with this Ordinance and all other applicable City, State, and Federal laws and regulations. (Ord. 8439. Passed 04/06/2023.)

#### 950.07 RESIDENTIAL PROPERTIES.

(a) Storage. Municipal waste, recyclables and leaf waste accumulated by owners of residential properties and/or the occupants of residential properties shall be placed in closed or covered carts or City bags for collection by the City's exclusive contractor. Use of Detachable Containers at multifamily establishments shall comply with the provisions of this Ordinance and all other applicable ordinances of the City. An owner or agent of an owner of a property comprised of multifamily dwelling(s) of more than four units shall be required to provide collection and disposal services in the manner required of commercial, industrial and institutional properties as set forth in Section 950.08. (Ord. 8439. Passed 04/06/2023.)

(b) Curbside Collection Time and Responsibility for Spillage. (Ord. 8439. Passed 04/06/2023.)

- (1) Residents shall place municipal waste in a bag; and leaf waste in compostable bag; and recyclables in a container, curbside for collection in enough time to permit collection on the day of collection. (Ord. 8439. Passed 04/06/2023.)
- (2) The collection course and the schedule of collection days shall be determined by the City's exclusive contractor. Residents shall prevent the spillage of any solid waste material placed at the curb for collection, and shall be responsible for the clean-up of any spilled municipal waste and/or recyclables and/or leaf waste prior to the collection by the City's exclusive contractor. (Ord. 8439. Passed 04/06/2023.)

(c) Preparation for curbside collection. (Ord. 8439. Passed 04/06/2023.)

- (1) Solid Waste. All municipal waste shall be in City Bags or a Cart, except as provided herein, and placed at the curbside at a location not to exceed four feet from the curb or edge of the roadway, on a level spot on the dwelling unit's property, so as to not block or interfere with the street right-of-way or public place, and with a distance of at least one foot between Carts. Filled City Bags placed at curbside for collection shall not exceed 40 pounds. (Ord. 8439. Passed 04/06/2023.)
- (2) City Bags shall be tied at the top to prevent the spillage of any municipal waste. (Ord. 8439. Passed 04/06/2023.)
- (3) Recyclables. Recyclables shall be placed unbagged directly in a container supplied by the City or other container and placed at the curb within four feet of the curb or edge of roadway, on a level spot on the dwelling unit's property and in such a manner to not interfere or block the street right-of-way or public space, recycling containers placed at curbside for collection shall not exceed 40 pounds. (Ord. 8439. Passed 04/06/2023.)
- (4) Leaf waste. Leaf waste may be placed at the curb for collection in a compost bag. The compost bag, when filled, shall not exceed 40 pounds when placed at the curb for collection. The compost bag shall be placed within four feet of the curb or edge of roadway, on a level spot on the dwelling unit's property, and in such a manner as to not interfere or block the street right-of-way or public space. (Ord. 8439. Passed 04/06/2023.)
- (5) Special Christmas tree collection. Natural Christmas trees will be collected at the curb for two weeks following the Christmas holiday, with the exact dates to be determined by the City. Natural Christmas trees may be placed at the curb, subject to the same placement requirements as leaf waste and cut so that the branching spread is not more than four (4) feet across and pieces of the trunk are no more than six (6) feet in length. (Ord. 8439. Passed 04/06/2023.)

(d) Ownership and care of carts, and recycling containers. The carts, when purchased from the City's exclusive hauler, are the property of customer. Customers shall exercise reasonable care and custody of the carts and shall only utilize the carts for the purposes of collection and disposal of solid waste. Customers shall maintain the carts in a sanitary condition at all times. If the City provides recycling containers, said containers shall be and remain property of the City. Customers shall exercise reasonable care and custody of the containers and shall only utilize them for the purposes of collection and disposal of recyclables. Customers shall maintain the containers in a sanitary condition at all times. (Ord. 8439. Passed 04/06/2023.)

(e) City Bags. City Bags shall be sold exclusively by the City's exclusive hauler, or its designated agents, and utilized by the customer for the curbside collection of all municipal solid waste that does not fit into a cart and/or for use by customers that do not purchase a cart. (Ord. 8439. Passed 04/06/2023.)

(f) Bulky items, white goods and large items. Customers may make arrangements and pay to the City's exclusive hauler, a fee for the collection of bulky items, white goods and large items, which shall be placed within four feet of the curb or edge of roadway, on a level spot on the dwelling unit's property, and in such a manner as to not interfere or block the street right-of-way or public space. (Ord. 8439. Passed 04/06/2023.)

#### 950.08 COMMERCIAL, INDUSTRIAL, INSTITUTIONAL PROPERTIES AND COMMUNITY ACTIVITIES.

(a) Containers. Municipal waste, recyclables and leaf waste accumulated on commercial, industrial and institutional properties shall be stored in containers or detachable containers. (Ord. 8439. Passed 04/06/2023.)

(b) Securing material for collection. Commercial, industrial and institutional properties storing recyclables outside of containers shall tie the material securely in bundles of a size that can be readily handled for collection, and in a manner that minimizes litter, safety hazards and fire hazards. (Ord. 8439. Passed 04/06/2023.)

(c) Location of containers. Detachable containers for the storage and collection of municipal waste, recyclables and leaf waste at commercial, industrial, or institutional properties shall be located on the customer's premises, which location, and buffering, if required, shall comply with zoning or other applicable municipal requirements for the location of such containers. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys, or entrances and exits of public or private buildings. (Ord. 8439. Passed 04/06/2023.)

(d) Collection. All owners and occupants of commercial, industrial and institutional properties shall provide for the regular collection and removal of municipal waste, recyclables and leaf waste from the property through a contract with a commercial hauler. (Ord. 8439. Passed 04/06/2023.)

(e) Containers. All property owners and/or organizers of community activities shall provide containers for the storage and collection of municipal waste and make proper arrangements for such collection. (Ord. 8439. Passed 04/06/2023.)

#### 950.09 RECYCLABLES.

(a) Separation of recyclables. Recyclables shall be kept separate from and dispose of separately from municipal waste and leaf waste. (Ord. 8439. Passed 04/06/2023.)

(b) Commercial, industrial institutional property. A non-occupant owner, or agent of an owner, of a commercial, industrial or institutional property shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property for the separation of recyclables from municipal waste and transportation to a recycling facility. (Ord. 8439. Passed 04/06/2023.)

(c) Community activities. All property owners and/or organizers of community activities shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property/event for the separation of recyclables and provides for its collection and transportation to a recycling facility. (Ord. 8439. Passed 04/06/2023.)

(d) Residential. Residential properties shall be deemed to have complied with their separation responsibilities by excluding recyclables from their municipal waste and placing them at the appropriate location for collection. (Ord. 8439. Passed 04/06/2023.)

(e) Collection. (Ord. 8439. Passed 04/06/2023.)

(1) For residential properties, all recyclables shall be placed at the curbside as specifically provided herein. (Ord. 8439. Passed 04/06/2023.)

(2) For commercial, industrial and institutional properties, all recyclables shall either be delivered directly to a recycling center or shall be collected by a commercial hauler separately from municipal waste on a regular basis. The County's Big Blue Bin drop-off program is not a recycling facility. Such properties shall not place recyclables at the curbside for collection; such curbside collection being intended solely for the placement of recyclables generated in residential properties. (Ord. 8439. Passed 04/06/2023.)

(3) All property owners and/or organizers of community activities shall provide containers for the storage and collection of recyclable materials and make property arrangements for such collection. (Ord. 8439. Passed 04/06/2023.)

(4) All commercial haulers shall transport collected recyclables to a recycling facility and recyclables shall not be commingled, during collection or otherwise, with municipal waste or leaf waste. (Ord. 8439. Passed 04/06/2023.)

(5) Collection donation of materials. Any person may deliver, donate or sell Recyclables to individuals or organizations prior to placement at Curbside. (Ord. 8439. Passed 04/06/2023.)

950.10 LEAF WASTE. (Ord. 8439. Passed 04/06/2023.)

(a) Separation. All residential customers and commercial, industrial, or institutional establishments who gather leaf waste shall separate all leaf waste from municipal solid waste and recyclables and place it for collection and transport to an appropriately permitted composting facility. (Ord. 8439. Passed 04/06/2023.)

(b) Use of compost. Nothing in this Ordinance shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other agricultural, horticulture, silviculture, gardening and/or landscape purposes. (Ord. 8439. Passed 04/06/2023.)

(c) Commercial landscaping. Nothing contained herein shall prohibit a commercial landscaping company from removing leaf waste, for the purpose of composting, from the properties which it services. (Ord. 8439. Passed 04/06/2023.)

(d) Residential leaf waste. All separated residential leaf waste generated properties subject to curbside collection shall place leaf waste as specifically provided herein. (Ord. 8439. Passed 04/06/2023.)

(e) Permitted facility. Leaf waste separated from municipal waste and collected by a commercial hauler shall be delivered to a leaf waste composting facility, that has a current and valid permit/approval by the Pennsylvania Department of Environmental Protection or other regulatory agency with equivalent solid waste permitting authority. (Ord. 8439. Passed 04/06/2023.)

(f) Residential curbside collection. For residential properties eligible for curbside collection of leaf waste, the City's exclusive hauler shall provide collection of leaf waste twice per year for two (2) weeks in the spring and six (6) weeks in the fall. Leaf waste will be collected bi-weekly on the alternating weeks as recycling. During the remainder of the year, roll-off container will be located at a City facility to be used for the collection of leaf waste. The City shall determine the hours of manned operation to monitor public access and prevent contamination. Curbside Christmas trees collection will occur beginning the first full week in January and continue for two weeks. (Ord. 8439. Passed 04/06/2023.)

#### 950.11 AUTHORIZATION OF COMMERCIAL HAULERS.

(a) Commercial haulers. It shall be unlawful for any person other than persons authorized by the Commonwealth of Pennsylvania, or its designee, as a regular hauling business, collecting, transporting and/or disposing of all residential municipal solid waste, recyclables, leaf waste, Christmas trees, bulky items, large items, and white items, within City of New Castle collect, except as specifically provided herein. A person who has obtained authorization from the Commonwealth of Pennsylvania under the Waste Transportation Safety Act (Pennsylvania Act 90) authorizing said person to collect, transport, and or dispose of municipal solid waste, and bulky waste from residential, commercial, industrial, and institutional establishments shall be considered a commercial hauler. A person that is not required to obtain authorization issued under the Waste Transportation Safety Act (Pennsylvania Act 90) and/or a person that collects, transports, and or processes only source-separated recyclables from residential, commercial, industrial, and institutional establishments must request permission, in writing to the City, to operate within City of New Castle to be considered a commercial hauler permitted to collect from commercial, industrial, institutional users and community events. (Ord. 8439. Passed 04/06/2023.)

(b) Exclusive Contract with City. The City or its designated agent may, through a competitive bidding process, award an exclusive service contract to a commercial hauler for all or part of the collection, transportation, processing and disposal of residential municipal waste, leaf waste, recyclables, bulky items, large items, white goods, from the City. Any other commercial hauler that provides residential collection, transportation, processing and disposal of residential municipal waste, leaf waste, recyclables, bulky items, large items, white goods, from the City shall violate this Ordinance and shall be subject to the penalties provided for in this Ordinance and/or otherwise authorized by the laws of the Commonwealth of Pennsylvania or the City. (Ord. 8439. Passed 04/06/2023.)

(c) Commercial recycling services. All commercial haulers must include recycling as part of the municipal waste collection services provided to each commercial or multifamily dwelling location to the extent required by this ordinance. (Ord. 8439. Passed 04/06/2023.)

(d) Reporting. On or before January 30th of each year, all commercial haulers operating in the City shall submit a report to the City, on forms developed by the Pennsylvania Department of Environmental Protection which documents the weight or volume of materials that the commercial hauler collected for recycling within City. (Ord. 8439. Passed 04/06/2023.)

## 950.12 COLLECTION BY UNAUTHORIZED PERSONS.

(a) Commercial Hauler. Except as specifically provided herein, it shall be a violation of this Ordinance for any person(s) other than a commercial hauler to collect, remove or transport or cause to be collected, removed or transported any municipal waste, recyclables and leaf waste. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as provided for in this ordinance. (Ord. 8439. Passed 04/06/2023.)

(b) Exclusive Hauler. Only the City's exclusive hauler shall collect, transport, process and/or dispose of solid waste, recyclables and leaf waste from residential customers in the City. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as provided for in this ordinance. (Ord. 8439. Passed 04/06/2023.)

(c) Commercial, Industrial, Institutional, Community Events and Multifamily Dwellings. Commercial haulers, including the City's exclusive hauler, may offer collection and disposal services to the owners and/or tenants of commercial, industrial, institutional, and multifamily dwellings and for community events. (Ord. 8439. Passed 04/06/2023.)

(d) Property of City. Any municipal waste, recyclable and leaf waste located at the curbside is the property of the City until collected by the City's exclusive contractor. (Ord. 8439. Passed 04/06/2023.)

(e) Drop-off or storage containers. Any recyclable deposited at drop-off sites, or in containers associated with residential dwellings, is the property of the City until collected by the City's exclusive contractor. (Ord. 8439. Passed 04/06/2023.)

(f) Non-residential storage containers or detachable containers. Any municipal waste, recyclables and leaf waste deposited in containers or detachable containers at commercial, municipal, industrial and institutional establishments is the property of the establishment unless such establishment agrees that ownership is transferred to the commercial hauler when the material is collected. (Ord. 8439. Passed 04/06/2023.)

(g) Lawrence County Containers. Recyclable material deposited in containers owned or contracted by the Lawrence County Recycling/Solid Waste Department is the property of the County. (Ord. 8439. Passed 04/06/2023.)

(h) Scavenging. Scavenging or pilfering of municipal waste, recyclables and/or leaf waste shall constitute a violation of this ordinance. (Ord. 8439. Passed 04/06/2023.)

## 950.13 TRANSPORTATION OF MUNICIPAL SOLID WASTE, RECYCLABLES, OR LEAF WASTE.

(a) Spillage. Any person transporting municipal waste, recyclables or leaf waste within the City shall prevent or remedy any spillage from vehicles or containers used in the transport of such material. (Ord. 8439. Passed 04/06/2023.)

(b) Vehicle markings. Commercial haulers shall collect refuse in vehicles which are suitable for such collection, which are dedicated for use in performance of such collection, and which bear prominent legible marking, signs, or decals identifying them as being municipal solid waste collection vehicles, and shall identify the name and phone number of the commercial hauler. (Ord. 8439. Passed 04/06/2023.)

(c) Vehicle conditions. All vehicles used for the transportation of municipal waste, recyclables and/or leaf waste shall be securely covered, watertight, strongly built, and kept thoroughly cleaned and well maintained. Except for roll-offs, which must be tarped, open trucks shall not be used for the collection of municipal waste. (Ord. 8439. Passed 04/06/2023.)

(d) Vehicle transfers. The transfer of municipal waste, recyclables and/or leaf waste from one collection vehicle to another may not take place within the City, except as authorized on private property. No such transfer may take place on any public right-of-way and no such transfer operation shall block traffic, create litter or in any other manner constitute a nuisance create a health hazard or violate any other ordinance of the City or provision of statutory law. (Ord. 8439. Passed 04/06/2023.)

#### 950.14 DISPOSAL OF MUNICIPAL WASTE.

All municipal waste generated, collected, and transported from within the jurisdictional limits of the City shall be disposed of at the facilities designated in the Lawrence County Solid Waste Management Plan. (Ord. 8439. Passed 04/06/2023.)

#### 950.15 UNLAWFUL DISPOSAL OF MUNICIPAL WASTE.

It shall be unlawful for any person to bring any municipal waste into City or to transport municipal waste from one address to another within or outside of the City for the purpose of taking advantage of the City's collection service and/or to avoid the cost of collection, except as specifically provided herein. (Ord. 8439. Passed 04/06/2023.)

#### 950.16 BULKY ITEMS, LARGE ITEMS AND WHITE GOODS.

(a) Transportation and disposal. Bulky items and white goods shall be disposed of in accordance with the Lawrence County Municipal Solid Waste Management Plan at a permitted disposal facility, a facility specially designated by the City to take such items, or a legitimate salvage dealer that is in the business of disposing of or recycling such items. Bulky items and white goods shall be transported and secured in an appropriate vehicle appropriate to the type of to prevent spillage, accidental loss, or shifting of the items. (Ord. 8439. Passed 04/06/2023.)

(b) Non-Solid Waste Business Related Transportation. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling bulky items to a State permitted disposal facility or to a disposal facility as designated by the Lawrence County Municipal Solid Waste Management Plan and in accordance with the regulations of the disposal facility. (Ord. 8439. Passed 04/06/2023.)

#### 950.17 CONSTRUCTION AND DEMOLITION WASTE.

All waste materials resulting from the building, structural alteration, repair, construction, or demolition of buildings or structures shall be disposed of only as permitted by applicable City, State, and Federal laws and regulations as may be in effect or as subsequently imposed. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations. (Ord. 8439. Passed 04/06/2023.)

## 950.18 DUMPING AND LITTER.

It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of any municipal solid waste or recyclables upon the surface of the ground or underground within the City, except in proper containers for purposes of storage and collection in conformance with this Ordinance. It shall be unlawful for any person to dump or deposit any municipal solid waste or recyclables in any stream or body of water with the City. (Ord. 8439. Passed 04/06/2023.)

## 950.19 EXCLUSIONS.

(a) Hazardous/residual waste. The provisions of this Ordinance apply only to the storage, collection, transportation, and disposal of municipal waste, recyclables, and leaf waste and do not apply therefore, to Hazardous or Residual Waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All Hazardous or Residual Waste must be disposed of in compliance with applicable City, State, and Federal laws and regulations as may be in effect or subsequently imposed. (Ord. 8439. Passed 04/06/2023.)

(b) Construction/demolition waste. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling self-generated construction and demolition waste to a State permitted disposal facility or to a disposal facility as designated by the Lawrence County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility. (Ord. 8439. Passed 04/06/2023.)

(c) Residential Customer Exclusions. Residential property owners may be excluded from the curbside collection requirements of this Ordinance if they are an employee or immediate family member of an owner of a commercial, industrial or institutional business or entity which has a contract for solid waste and/or recycling collection service with a commercial hauler and said owner of a commercial, industrial or institutional business or entity has given written permission for said residential property owner to dispose of municipal solid waste and/or recyclables at said commercial, industrial or institutional business or entity's property. Said residential property owners shall apply annually for an exclusion pursuant to the provisions of this subsection on a form provided by the City, that certifies compliance with the provisions for exclusion, together with a copy of the written agreement between the owner of the commercial, industrial or institutional business or entity and the commercial hauler. The residential property owner shall remain responsible for compliance with all other provisions of this Ordinance. (Ord. 8439. Passed 04/06/2023.)

(d) Placement exemptions. The City may grant exceptions to the placement of municipal waste, recyclables and leaf waste at the curbside to residences occupied solely by persons with physical limitations. For the purpose of this subsection, "physical limitation" means any illness, injury, incapacity or other physical handicap which prevents the person from placing municipal waste at the curb. (Ord. 8439. Passed 04/06/2023.)

(1) Exceptions. The City may grant exceptions to the placement of municipal waste, recyclables and leaf waste at the curbside when the City has determined it is not physically possible to place those items at the curbside, at such time the City will identify the alternative placement location. (Ord. 8439. Passed 04/06/2023.)



- (2) Other Exceptions. Residential property owners, who do not fit within Subparagraphs (c) or (d) above, may request backyard collection service of municipal waste only. Such backyard collection service shall be limited to one (1) cart or two (2) City bags. An additional fee shall be charged for such backyard collection service. (Ord. 8439. Passed 04/06/2023.)

#### 950.20 SERVICE FEES AND BILLING FOR RESIDENTIAL SERVICE.

(a) Mandatory participation. Unless otherwise exempted under this Ordinance, every owner of developed residential property, except multifamily dwelling units of five or more not individually owned, within the City shall pay, each quarter, a base collection rate for solid waste, recyclables, leaf waste, and Christmas tree collection services to the City's exclusive hauler in an amount and in the manner as determined by the exclusive contract. As an alternative, and if permitted by the exclusive contract, customers may purchase and place City bags for collection. (Ord. 8439. Passed 04/06/2023.)

(b) The exclusive contract shall establish fees for disposal of large items, bulky items or white goods placed at the curb for collection. (Ord. 8439. Passed 04/06/2023.)

(c) Each Residential Dwelling Unit may place an unlimited amount of recyclables in containers, or leaf waste during designated collection times in composting bags, at the curb, for no additional disposal charge. (Ord. 8439. Passed 04/06/2023.)

(d) The City may, by separate legislative action, make exceptions for the temporary exclusion of mandatory participation in the collection of solid waste for temporarily unoccupied properties. (Ord. 8439. Passed 04/06/2023.)

(e) All bills for collection services will be rendered prior to the service period. (Ord. 8439. Passed 04/06/2023.)

- (1) All bills shall be due and payable upon the date of presentation and, if not paid within 35 days after that date, a penalty of 10% shall be added to such bills. Acceptance or remittance of bills on the last day of this thirty-five (35) day period shall be determined as evidenced by the postmark of the United States Postal Service. (Ord. 8439. Passed 04/06/2023.)
- (2) Delinquent accounts and discontinuance of service. The City's exclusive hauler may discontinue service for non-payment of service fees by an owner of property and shall not be responsible for collecting any items from said customer. (Ord. 8439. Passed 04/06/2023.)
- (3) Delinquent accounts shall not be eligible to purchase services for collection of solid waste, recyclables, leaf waste, bulky Items, large items, white goods, and Christmas trees until their account is paid in full. (Ord. 8439. Passed 04/06/2023.)
- (4) Charges. All service fees for the collection of municipal waste, recyclables, leaf waste, bulky Items, large items, white goods, and Christmas trees shall be established pursuant to the exclusive contract. (Ord. 8439. Passed 04/06/2023.)

950.21 SERVICE FEES AND BILLING FOR COMMERCIAL, INDUSTRIAL, INSTITUTIONAL PROPERTIES AND COMMUNITY ACTIVITIES.

(a) Mandatory participation. It shall be the duty and responsibility of every owner of property, every place of business within the City, and the organizer of any community activities where municipal waste is produced and is accumulated to contract with a commercial hauler for solid waste, recyclables, and leaf waste collection services required by this Ordinance. (Ord. 8439. Passed 04/06/2023.)

(b) Commercial, industrial and institutional establishments. Commercial, industrial, and institutional establishments shall submit annually, a written report to the City which contains the following information concerning compliance to the recycling requirements of this Ordinance: (Ord. 8439. Passed 04/06/2023.)

- (1) Commercial/Industrial or Institutional name, address, telephone number, contact person and owner's name. (Ord. 8439. Passed 04/06/2023.)
- (2) Company name, address, telephone number, and contact person for entity providing the recycling service. (Ord. 8439. Passed 04/06/2023.)
- (3) Description of materials recycled, frequency of collection, method of storage and end market. (Ord. 8439. Passed 04/06/2023.)
- (4) Weight slips or other certification which show by weight and type of material recycled. If weigh slips are not used, the form of certification requires the prior approval of the City. (Ord. 8439. Passed 04/06/2023.)
- (5) Form of certification to assure proper processing/marketing of recyclable materials. (Ord. 8439. Passed 04/06/2023.)
- (6) Other information as may be required by the City agent which may be required to assure the proper disposition of recyclable materials. (Ord. 8439. Passed 04/06/2023.)
- (7) Copy of the current service agreement for the collection, transport and processing of recyclable materials. (Ord. 8439. Passed 04/06/2023.)
- (8) Required information is due within 60 days of the end of the reporting period, which is the end of the calendar year. (Ord. 8439. Passed 04/06/2023.)

950.22 SERVICE FEES AND BILLING EXCLUSIONS.

Nothing contained herein shall prohibit a commercial establishment from processing and marketing its own recyclables. Such establishments must still comply with the provisions of Section 950.21. (Ord. 8439. Passed 04/06/2023.)

950.23 ENFORCEMENT AND ADMINISTRATION.

The City Administrator, or his designee, shall enforce and administer the provisions of this Ordinance. Enforcement of the penalty provisions of this Ordinance shall be in the sole discretion of the City. The exclusive hauler shall be responsible for the collection of its own delinquent accounts. (Ord. 8439. Passed 04/06/2023.)

#### 950.24 PENALTIES.

Any person violating any of the provisions of this Ordinance shall, upon conviction by a district magistrate, be subject to a fine of not less than \$100.00 nor more than \$1,000.00 together with the cost of prosecution. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense. (Ord. 8439. Passed 04/06/2023.)

#### 950.25 OTHER REMEDIES.

(a) Removal of Accumulation of Solid Waste - In addition to the foregoing penalty, the City may require the owner of a property to remove any accumulation of municipal waste and should said person fail to remove such municipal solid waste after five (5) days following written notice, the City may cause the solid waste to be collected and disposed of with the cost for such action to be charged to the owner of the property. (Ord. 8439. Passed 04/06/2023.)

(b) Separate offenses. Nothing contained in this article shall affect, in any way, the provisions of this Ordinance regarding separate offenses for every day any violation occurs. (Ord. 8439. Passed 04/06/2023.)

#### 950.26 SEVERABILITY.

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected hereby. (Ord. 8439. Passed 04/06/2023.)

#### 950.27 AMENDMENTS.

This Ordinance or any part thereof may be amended from time to time in accordance with the procedures as established by law. (Ord. 8439. Passed 04/06/2023.)

#### 950.28 APPLICABILITY.

This Ordinance shall be subject to all applicable federal, state, and municipal laws and ordinances as well as rules and regulations as set forth by the Department of Environmental Protection, Commonwealth of Pennsylvania. (Ord. 8439. Passed 04/06/2023.)

#### 950.29 EFFECTIVE DATE.

This Ordinance shall become effective immediately upon adoption and signature by the appropriate official as provided for in the Charter of the City. (Ord. 8439. Passed 04/06/2023.)

#### 950.30 REPEALER

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this Ordinance shall and the same is hereby repealed to the extent of such conflict. (Ord. 8439. Passed 04/06/2023.)