

## **Chapter 20**

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**Part 1****Solid Waste****§20-101. Short Title.**

This Part shall be known and referred to as the "Forest Hills Solid Waste Ordinance," and the same shall be cited in that manner.

(*Ord. 827, 7/17/1991, §1*)

**§20-102. Definitions.**

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

*Act or 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.*

*Agricultural waste* - poultry and livestock manure, or residual materials in liquid or solid form, generated in the production or marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of all economic agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.

*Approved storage containers or bulk containers* - those containers for storage of municipal waste specified in §20-105.3.A - .E of this Part.

*Borough* - the Forest Hills Borough, Allegheny County, Pennsylvania.

*Bulky waste* - large items of solid waste including, but not limited to, appliances, furniture, trees, branches or stumps which might require special handling because of their size, shape or weight.

*Commercial establishment* - any establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

*Construction demolition waste* - all municipal and residual waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings and other structures and pavements and other surfaces of roads, streets and parking areas.

*Council* - the governing body of Forest Hills Borough.

*Department* - the Pennsylvania Department of Environmental Protection and its authorized representatives, hereinafter "DEP." [*Ord. 976*]

*Disposal* - the incineration, deposition, injection, dumping, spilling, leaking, or placement of solid waste into or on the land or water in such a manner that the solid waste, or some constituent of the solid waste, enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

*Domestic waste domestic waste or household waste* - solid waste, comprised of

garbage or rubbish, which normally originates in a residential private household or apartment house. The term does not include source separated recyclable materials as defined hereinafter and as specifically identified and provided for in the Forest Hill Recycling Ordinance [Chapter 20, Part 2].

*Garbage* - any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

*Hauler or private collector* - any person, firm, copartnership, association or corporation who has been licensed by the Borough or its designated representative to collect, transport, and dispose of refuse for a fee.

*Hazardous waste* - any solid waste or combination of solid waste, as defined in the Act 97, which because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or in the total population.
- (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

*Industrial establishment* - any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughter houses.

*Institutional establishment* - any establishment engaged in service including, but not limited to, hospitals, nursing homes, orphanages.

*Lead acid batteries* - includes, but is not limited to, automotive, truck, and industrial batteries which contain lead.

*Municipal waste* - any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid 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, waste water treatment plant, or air pollution control facility. The term does not include source separated recyclable materials as defined hereinafter and as identified in the Forest Hills Recycling Ordinance [Chapter 20, Part 2].

*Person* - any individual, partnership, corporation, association, institution, cooperative enterprise, State institution and agency, or any other legal entity, which is recognized by law as the subject of rights or duties. In any provision of this Part prescribing a fine, imprisonment or other penalty, or any combination of the foregoing, the term "person" shall include the directors, officers and managers of any corporation or other legal entity having directors, officers or managers, schools and universities.

*Processing* - the means and technology used for the purpose of reducing the volume or bulk of municipal or residual waste, or the technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource

recovery facilities.

*Refuse* - all solid waste materials which are discarded or abandoned as useless or unwanted.

*Residual waste* - any garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, mining or 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 such material is not hazardous. The term, "residual waste," shall not include coal refuse as defined in the Coal Refuse Disposal Control Act, 52 P.S. §30.52 *et seq.* Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is effected pursuant to, and in compliance with, a valid permit issued pursuant to the Pennsylvania Clean Stream Law, 35 P.S. §691.1 *et seq.* The term does not include source separated recyclable materials as specifically identified in the Forest Hills Recycling Ordinance [Chapter 20, Part 2].

*Rubbish* - all nonputrescible municipal waste, except for garbage and other decomposable matter. The term "rubbish" includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings. The term does not include source separated recyclable materials as specifically identified in the Forest Hills Recycling Ordinance [Chapter 20, Part 2].

*Scavenging* - the unauthorized removal of material placed for collection or from a solid waste processing or disposal facility. Scavenging also includes the unauthorized sorting, removal, reclamation or disturbance of refuse materials placed at a properly designated collection location.

*Secretary* - the Forest Hills Borough Secretary.

*Sewage treatment residues* - any coarse screenings, grit or dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

*Solid waste* - any waste including, but not limited to, municipal, residual or hazardous waste, including solid, liquid, semi-solid or contained gaseous material.

*Source separated recyclable materials* - those materials separated at the point of origin for the purpose of being recycled.

*Storage* - the containment of any waste on a temporary basis in such manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste for a period exceeding 180 days constitutes disposal, subject to the provisions of the definition of "disposal" as set forth herein above. Said presumption may be overcome by clear and convincing evidence to the contrary.

*Transportation* - off-site removal of any solid waste at any time after its generation.

*Transportation station* - any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

(Ord. 827, 7/17/1991, §2; as amended by Ord. 976, 1/16/2008)

**§20-103. Construction of Terms.**

In this Part, use of the singular form of any word or phrase shall be construed to include the plural form of said word or phrase. Use of the masculine form of any word or phrase shall be construed to include the feminine form and the neuter form of said word or phrase.

(*Ord. 827, 7/17/1991, §3*)

**§20-104. Prohibited Activities.**

Except to the extent the activities described below are conducted pursuant to the provisions of this Part, or of any DEP rules or regulations adopted pursuant to Act 97, or of any of the rules or regulations under Article VIII of the Health Department of Allegheny County, Pennsylvania, it shall be unlawful for any person: [*Ord. 976*]

A. To accumulate, or permit the accumulation, upon any public or private property within Forest Hills Borough, any garbage, rubbish, refuse, bulky waste or any other municipal residual waste. This prohibition shall not be applied to residents who elect to compost grain, fruit or vegetable matter which originates from their respective residences provided the composting is done in a manner so as not to create an odor or nuisance to adjacent properties.

B. To burn any solid waste within Forest Hills Borough.

C. To dispose of any solid waste in Forest Hills Borough.

D. To haul, transport, collect or remove any solid waste from public or private property within Forest Hills Borough without first securing a license to do so in accordance with the provisions of this Part.

E. To scavenge any materials from any solid waste that is stored or deposited for collection within Forest Hills Borough without prior written approval from the owner thereof and the Secretary.

F. To salvage or reclaim any solid waste within Forest Hills Borough.

G. To throw, place or deposit, or to cause or permit to be thrown, placed or deposited, any solid waste in or upon any street, alley, sidewalk, public place or way, body of water, public or private property within Forest Hills Borough except as provided herein.

H. To dispose of lead acid batteries, agricultural waste, hazardous waste, construction demolition waste, paving materials, cement, stones, sand, dirt, sod, concrete, concrete washtubs, ashes, e.g., from wood or coal burning stoves, sewer pipe, automobile parts (except tires without wheels), flammable liquids and/or 55 gallon metal drums (except owned by the Borough) in or with waste allowed for collection hereunder. If a person so disposes of such items and/or materials it shall be deemed a public nuisance as well as a violation hereunder.

I. To dispose from a residence any material that was generated from a business or from employment activities.

(*Ord. 827, 7/17/1991, §4; as amended by Ord. 976, 1/16/2008*)

**§20-105. Standards for Storage of Solid Waste.**

1. All solid waste shall be stored so as to prevent attraction, harborage or

breeding of insects, animals or vectors, and to assure elimination of conditions harmful to public health, or which create, or might reasonably be expected to create, safety hazards, odors, unsightliness or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of approved storage containers or bulk containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all municipal waste materials in such containers, except as may otherwise be provided for herein.

3. Individual approved storage containers or bulk containers must be used for storage of municipal waste; said containers shall comply with the following standards:

A. Reusable containers shall be constructed of durable, water tight, rust resistant and corrosion-resistant material such as plastic, metal or fiberglass, in such manner as to be leakproof, weather-proof, odor proof, insect-proof, animal-proof, and vectorproof.

B. Reusable containers for individual residents shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

C. Reusable containers for individual residents shall have a capacity of not less than 10 gallons nor more than 30 gallons, and a loaded weight of not more than 40 pounds and shall be limited to three such containers per residence.

D. Disposable plastic bags or sacks are acceptable containers for all municipal waste except garbage provided that such bags or sacks are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted, shall be securely closed and tied for collection, and shall have a capacity of not more than 30 gallons and a loaded weight of not more than 35 pounds.

E. All containers, either reusable or disposable, also shall comply with the minimum standards established by the National Sanitation Foundation; said minimum standards are incorporated herein by this reference.

4. Any person storing municipal waste for collection shall comply with the following preparation standards:

A. All municipal waste shall be safely drained free of liquids before being placed in approved storage containers.

B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material, or placed in properly tied plastic bags.

C. Food containers shall be rinsed free of food particles and drained before being placed in approved storage containers.

D. Garden clippings and tree trimmings shall be placed in approved storage containers or shall be cut and tied securely into bundles. Bundles shall be not more than three feet in length, not more than two feet in diameter and not more than 40 pounds in weight. No single piece shall be more than three inches in diameter.

E. Newspapers (if not designated in the Forest Hills Borough Recycling Ordinance [Chapter 20, Part 2] as a recyclable material) and/or magazines shall be placed in approved storage containers or shall be tied securely into bundles of not more than 40 pounds in weight.

F. Carpet and/or carpet padding shall be placed in a closed approved storage container or must be cut in lengths not exceeding four feet and securely tied. No single piece of carpet or padding shall be more than 40 pounds in weight.

5. Any person storing municipal waste for collection shall comply with the following storage standards:

A. Containers shall be maintained tightly sealed and/or tightly covered at all times. Solid waste shall not protrude or extend above the top of the container or from any other container opening.

B. Reusable containers shall be kept in sanitary condition at all times. The interior of reusable containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent accumulation of liquid residues or solids on the bottom, sides and lids of such containers.

C. Containers shall be used and maintained so as to prevent public nuisances.

D. Containers which do not conform to the standards of this Part, or which have sharp edges, ragged edges or any other defect that might hamper or injure collection personnel, shall be promptly replaced by the owner. If the owner fails to replace the container on his/her own volition, he/she must do so within 5 calendar days after notice from the Secretary or his/her designated representative.

E. Containers shall be placed by the owner or customer at a collection point and at the times specified by the Secretary or his/her designated representative.

F. With the exceptions of pick-up days, when the containers are placed for collection, the containers shall be stored and located at only one location on the property which location shall be the lesser of 125 feet from the front property line or 20 feet from the rear of the principal dwelling upon the property. A property owner may file an application with the Secretary requesting relief from such location based upon hardship or other good cause and may receive permission from the Secretary to store and locate containers elsewhere on the property so long as such location does not result in adverse consequences to adjacent properties.

G. Any materials the collection and removal of which is not provided under this Part either because of the nature of the material or the manner or condition of its packaging, shall not be put out at the curb or edge of the cartway by any person for the purpose of collection and removal by the hauler or private collector.

H. Bulk waste items including, but not limited to, furniture, appliances and tires shall be stored in a manner that will prevent accumulation or collection of water, the harboring of insects, animals or vectors, safety hazards and fire hazards. Doors must be removed from all appliances.

(Ord. 827, 7/17/1991, §5)

#### **§20-106. Standards and Regulations for Collection.**

1. The Borough shall provide for collection of all garbage, rubbish and bulky waste from individual residences and multi-family residential sources, and may contract for such collection with a hauler or private collector or collectors.

2. All single family and multi-family residences shall use residential collection service provided by the Borough.

3. Mufti-family units with more than four units may arrange for private collection

provided it is demonstrated that the alternate arrangements for private collection are consistent with this Part and approved by the Secretary.

4. All commercial, institutional, and industrial establishments shall negotiate and individually contract for collection service with the Borough's contract collector, or some other properly licensed waste hauler of their choice, subject to approval from the Borough, which written approval shall not be withheld unreasonably.

5. All residential garbage, rubbish, domestic, household and bulky waste shall be collected at least once a week.

6. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Collection from these sources shall be made as often as necessary to control health hazards, odors, insects, animals, unsightly conditions and nuisances. The Secretary reserves the right to require more frequent collection if deemed necessary.

7. The proper officers of the Borough shall promulgate, in such manner as Council may by motion or resolution passed upon at public meetings duly advertised according to law, the collection schedule for the Borough. The current collection schedule is on file in the Borough Office. [*Ord. 830*]

8. Storage containers and other properly wrapped or contained materials for collection may be placed at curb side no earlier than 6 p.m., prevailing time, on the day prior to the designated collection day, and must be removed from curb side to the usual storage place no later than 6 p.m., prevailing time, on the day of collection. All licensed haulers and haulers under contract with the Borough shall not be required to collect and remove such material if the container or other receptacle or packaging shall be so waterlogged, weak or otherwise insufficient as to break, rupture or split and spill its contents in the course of normal handling by the hauler. Said haulers shall not be required to collect and remove such material if it contains materials which are identified as source separated recyclable materials, lead acid batteries, agricultural waste, hazardous waste, construction demolition waste, paving materials, cement, stones, sand, dirt, sod, concrete, concrete washtubs, ashes, e.g., from wood or coal burning stoves, sewer pipe, automobile parts (except tires without wheels), flammable liquids and/or 55 gallon metal drums (except owned by the Borough). Placement for collection under this Part of materials identified as source separated recyclable materials shall be a violation of this Part.

9. All waste collection activity shall be conducted on Monday through Saturday, inclusive, between the hours of 6 a.m., prevailing time, and 6 p.m., prevailing time, unless prior approval of an exception has been granted by the Secretary. No collection, hauling or transportation of solid waste shall be permitted on Sunday.

10. All licensed haulers and haulers under contract with the Borough shall comply with the following standards and regulations:

A. All municipal waste collected in Forest Hills Borough ultimately shall be disposed of only at a land fill cited and approved in the Allegheny County Solid Waste Plan of 1990, or in subsequent revisions of said plan.

B. Any trucks or other vehicles used for collection or transportation of municipal waste must comply with the requirements of Act 97, and with Department regulations adopted pursuant to Act 91, and must be licensed by the

Allegheny County Health Department.

C. All collection vehicles conveying domestic waste and garbage shall be water tight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, and the creation of odors and other nuisances.

D. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

E. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(*Ord. 827, 7/17/1991, §6; as amended by Ord. 830, 3/18/1992*)

#### **§20-107. Collection and Disposal Charges.**

1. Forest Hills Borough Council is hereby authorized to make funds available, in accordance with the laws and procedures of the Borough, for the establishment, maintenance and operation of a municipal solid waste collection and disposal system; or for contracting of such service to a hauler or private collector.

2. Fee schedules shall be published by the Borough on any competitively bid residential collection service contract that might be awarded by the Borough.

3. The Borough shall be responsible for the collection of fees for solid waste collection and disposal from residential customers except that, if a resident privately arranges with the hauler for collection from a site on the property other than as provided for herein, the hauler shall collect any additional fee for said additional service. Licensed haulers shall be responsible for the collection of fees from commercial, institutional and industrial customers from which the hauler made private arrangements for collection.

4. The Borough's contract hauler and other licensed haulers shall be responsible for collection of any fees for private arrangement or private contract solid waste collection or disposal services provided to individual, residential, commercial, institutional or industrial sources within the Borough.

(*Ord. 827, 7/17/1991, §7*)

#### **§20-108. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

(*Ord. 827, 7/17/1991, §8; as amended by Ord. 830, 3/18/1992*)

**§20-109. Injunction Powers.**

The Borough may petition the Court of Common Pleas of Allegheny County for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part. (*Ord. 827, 7/17/1991, §9*)



**Part 2****Recycling****§20-201. Short Title.**

The title of this Part shall be "Forest Hills Recycling Ordinance," and the same shall be cited in that manner. The title of this Part shall be "Forest Hills Recycling Ordinance," and the same shall be cited in that manner.

(*Ord. 935, 8/20/2003, §1*)

**§20-202. Definitions.**

All definitions listed in §20-102 are hereby incorporated by reference in Part 2 and given the same meaning. The following words and phrases shall have the meanings set forth below, unless the context of their use clearly indicates a different meaning:

*Act 101* - the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P. S. §4000.101 *et seq.*, as amended.

*Aluminum* - empty, all-aluminum beverage and/or food cans.

*Bi-metal container* - empty, food and/or beverage containers consisting of steel and aluminum.

*Borough* - Forest Hills Borough.

*Borough Manager* - the Manager of Forest Hills Borough or his duly authorized designee.

*Collector* - the entity or entities authorized by the Borough to collect recyclable materials from residences and other properties, or authorized by commercial, municipal or institutional establishments or community events that do not receive collection services from the Borough to collect recyclable materials from those properties.

*Commercial establishments* - properties used primarily for commercial or industrial purposes.

*Community activities* - events sponsored by public or private entities or individuals including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events, attended by 200 or more individuals per day.

*Corrugated paper* - structural paper materials with an inner core shaped in rigid, parallel furrows and ridges.

*Council* - the Council of Forest Hills Borough.

*Department* - Pennsylvania Department of Environmental Protection and/or its authorized representatives, hereinafter "DEP."

*Ferrous containers* - empty steel or tin coated food or beverage containers.

*Glass containers* - empty, clean and unbroken bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, window glass, plate glass, automotive glass, light bulbs, blue glass, leaded glass, porcelain and ceramic products.

*High-grade office paper* - all white paper, bond paper and computer paper, used in commercial, institutional and municipal establishments, or in residences.

*Institutional establishment* - those facilities that house or serve groups of people including, but not limited to, hospitals, churches, nursing homes, personal care centers, orphanages, day-care centers, schools and universities.

*Leaf waste* - leaves, cuttings, trimmings and clippings from trees, bushes and other plants, garden residues, and chipped shrubbery, but does not include grass clippings.

*Magazines and periodicals* - printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever including newspapers.

*Multi-family housing properties* - any property having four or more dwelling units per structure.

*Municipal establishment* - public facilities operated by a municipality, a municipal authority, or other governmental or quasi-governmental authority or agency.

*Municipal waste* - any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residential, municipal, commercial or other institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

*Newspaper* - paper of the type commonly referred to as newsprint and usually distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled or otherwise contaminated, colored comics, glossy advertising inserts and advertising inserts printed in colors other than black and white, often included with newspapers.

*Person(s)* - owners, lessees, occupants of residences and commercial, municipal and institutional establishments, or any other legal entity which is recognized by law as the subject of rights and duties.

*Plastic bags* - any container made of plastic used for carrying, storing or disposing of groceries, wearing apparel, other retail or wholesale purchased items and yard waste.

*Plastic containers (PET)* - containers made of polyethylene terephthalate, commonly used for soft drinks.

*Plastic containers (HDPE)* - containers made of high density polyethylene, commonly used for milk, clothes, dish washing soaps and other cleaning products.

*Recyclable materials* - materials generated by residences, and commercial, municipal and institutional establishments and by community activities which are specified by the Borough, and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not limited to, clear glass, colored glass,

aluminum, ferrous and bi-metal containers, high grade office paper, newsprint, corrugated paper, leaf waste, plastics including, but not limited to, plastic containers (PET) and (HDPE) and any other item selected by the Borough or specified in the future revisions of Act 101. The classification of recyclable materials established by the Borough may be revised from time to time as seen fit by the Borough.

*Recycling* - the collection, separation, recovery, sale or use of aluminum, bimetal containers, corrugated paper, ferrous containers, glass containers, high grade office paper, newspaper, plastic containers (PET) and (HDPE), metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of 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.

*Residences* - any occupied single or multi-family dwelling for which the Borough provides municipal waste collection service.

*Scavenging* - the removal of materials placed for collection under the terms of this Part without written authorization from the Borough Manager and the owner.

*Secretary* - the Forest Hills Borough Secretary.

*Source separated recyclable materials* - those materials separated at the point of origin for the purpose of being recycled.

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

In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 935, 8/20/2003, §1)

### **§20-203. Recycling.**

#### *1. Residence Recycling.*

A. *Containers.* The Borough shall provide the occupants of each dwelling unit from which the Borough provides collection services with one container duly numbered for identification purposes and designated as a container for the sole purpose of storing recyclable materials. The container shall remain the property of the Borough. Any occupant of a residence who moves within or from the Borough shall leave in place at the residence the Borough recycling container for the use of the new occupant. Replacement cost of containers will be specified by resolution of Borough Council. Use of recycling containers for any purpose other than the recycling provisions of this Part and amendments hereto, or use of recycling containers by any person other than the occupants of the residence allocated each such container or intentional damage or destruction of such container shall be a violation of this Part.

B. *Separation.* All persons residing in residence shall separate from all other municipal waste produced at said residence the following recyclable materials:

- (1) Glass containers.

- (2) Aluminum.
- (3) Bi-metal containers.
- (4) Ferrous containers.
- (5) Newspaper.
- (6) Plastic containers (PET).
- (7) Plastic containers (HDPE).

C. *Preparation of Recyclables.* All persons residing in residences shall prepare the recyclables set forth in §20-203.1.B hereof as follows:

(1) All clear, green and brown glass containers must be rinsed, lids removed, labels may be left on. Do not break glass containers. No noncontainer glass, window glass, plate glass, automotive glass, light bulbs, blue glass, leaded glass, porcelain, or ceramics products are to be included.

(2) Aluminum cans must be rinsed clean and any paper labels must be removed. Cans may be flattened to save space, if desired.

(3) Bi-metal containers must be rinsed clean. Cans may be flattened to save space, if desired.

(4) Ferrous containers must be rinsed clean. Cans may be flattened to save space, if desired.

(5) Newspaper may not be placed in a recycling container provided by the Borough if said container contains other recyclable materials. Newspapers may be tied securely with twine in a bundle of not more than 40 pounds in weight or placed in a brown paper bag.

(6) Plastic containers (PET) (HDPE) must be rinsed clean.

D. *Storage.*

(1) All materials for recycling, except newspapers, must be commingled and stored for collection in the container issued by the Borough.

(2) Storage may be in any convenient and safe place inside of a structure located on the property of the residence or outside on the property of the residence if protected from the elements.

E. *Collection.*

(1) Collection shall occur twice a month and shall be on the same day of the week as the resident's normal collection day for municipal solid waste as set from time to time by the Borough Council. Said schedule may be set by resolution of Borough Council and a current copy thereof is on file in the Borough office.

(2) The container containing the commingled recyclables and the separate container or bagged or tied newspaper shall be placed by a person residing in the residence at curbside or at the edge of the cartway in front of the premises not earlier than 6 p.m., prevailing time, of the day immediately preceding the day scheduled for collection and not later than 6 a.m., prevailing time, of the day scheduled for collection. After collection, a person residing in the residence must remove the empty container(s) from curbside or cartway edge before 6 p.m., prevailing time, on the day of collection. Collection of recyclable materials

shall be accomplished by the Borough, or its designated agent, or any other collector registered with the Borough to operate and collect recyclable materials from residences or from commercial, municipal and institutional establishments in the Borough pursuant to Part 3 hereof.

F. *Leaf Waste and Leaves.*

(1) All persons must separate leaves from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaves. In the event residents elect to compost leaf waste including leaves it must be done in such a manner so as not to create an odor or nuisance to adjacent properties.

(2) During the months of October, November, and December, occupants of residences must rake or otherwise accumulate leaves unbagged and unpackaged at curbside adjacent to their respective properties. The Borough shall collect said leaves from time to time.

(3) Instead of accumulation of leaves unbagged and unpackaged at curbside, the Borough Council, at a public meeting and upon public notice as required by law, may elect by resolution to have persons bag leaf waste and/or leaves only. In such event the Borough shall provide to residents in the Borough specially formulated bags at a charge to be established by resolution from time to time or notify the residents of the names of commercial establishments which sell the bags. The Borough shall notify the community as to where the leaf bags may be purchased and the schedule for pickup of bagged leaf waste and/or leaves only. Leaf waste that may not be bagged (i.e., branches, twigs, and sticks) must be securely fastened or tied in bundles of 36 inches or less.

2. *Multi-Family Housing Properties Recycling.*

A. Any owner, landlord, manager or agent of an owner, landlord or manager of a multi-family housing property with more than four units, who does not wish the property to be serviced by the Borough pursuant to subsection .1 hereof, must comply with recycling responsibilities by establishing a recycling and collection program consistent with Act 101 at each such property.

B. In order to be exempted from subsection .1 hereof, the said owner, landlord, manager or agent of an owner, landlord or manager must submit a written statement to the Borough Manager by January 15 of each year informing the Borough of such election, the identity of the property to be exempted, the identity of the person in charge of the recycling program, and the name, address and telephone number of the collector retained by such owner.

C. Furthermore, said written statement must provide the details of a recycling and collection program which must include suitable containers for collecting and sorting recyclable materials, container locations which are easily accessible for deposit of recyclables, written instructions to occupants of properties concerning the use and availability of the collection system and it must provide at a minimum for the separation of those recyclable materials identified in subsection .1.B hereof, plus leaf waste, unless properly composted. Collection must be at least once monthly.

D. Owners, landlords, managers and agents of owners, landlords or managers who comply with this Part shall not be liable for noncompliance of occupants of their respective buildings.

E. If recyclable materials are collected by a collector other than the Borough or its authorized agent, then the respective owners, landlords or managers, and agents of owners, landlords or managers shall submit an annual report to the Borough reporting the tonnage of each recyclable material recycled at their respective properties during the previous year and any other information requested by the Borough Manager. This reporting requirement may be fulfilled by submission of a letter or statement from the collector which certifies that recyclable materials are being collected from the multi-family housing property and setting forth the tonnage collected from such property during the previous year and any other information requested by the Borough Manager, (see Part 3 hereof). The report shall be due on or before January 15th of each year referencing the required information for the immediately preceding calendar year.

3. *Commercial, Municipal, Institutional and Community Activities Recycling.*

A. Persons must separate high-grade office paper, aluminum, corrugated paper, glass containers, bi-metal containers, ferrous containers, newspaper, plastic containers (PET), plastic containers (HDPE) and leaf waste generated at said commercial, municipal and institutional establishments and from community activities and safely store the recyclable materials for and until collection by a collector arranged for by each such respective establishment.

B. Said establishments shall submit an annual report to the Borough on or before January 15th of each year for the immediately preceding calendar year reporting the type and weight of each recyclable material recycled during the previous calendar year and the name, address and telephone number of the responsible collector. This requirement may be fulfilled by submission of a letter or statement from the collector with certifies that recyclable materials are being collected from the establishments as long as the collector reports the aggregate totals recycled from all such establishments in the municipality.

C. Commercial, municipal and institutional establishments must initiate an education program for all employees, users, patrons, occupants and residents off said commercial, municipal and institutional establishments. The education program shall describe the recycling program's provisions and requirements, and shall include at a minimum an annual program meeting and an orientation to the program upon the arrival of a new employee, occupant or resident. Receptacles for recyclable materials must be marked clearly with the recycling symbol of the type of recyclable material that is to be placed in the receptacle. Signs must be prominently displayed stating the requirements of the program.

D. Commercial, municipal, institutional and community activities may be exempted from the requirements of subsection .3.A - .C, by otherwise providing for the recycling of the materials specified in subsection .3.A consistent with §1501(c)(1)(iii) of Act 101, 53 P.S. §4000.1501(c)(1)(3), by informing the Borough Manager that they wish to do so and by providing the Borough Manager with the identity of the property involved, a description of its alternate program, the identity of the person in charge of the alternate program and the identity of the responsible

collector.

E. Commercial, municipal, institutional and community activities which are exempt from subsection .3.A - .C, must submit, at a minimum, an annual recycling report to the Borough Manager, which report shall document for each property the amount of municipal waste generated per year, as well as the type of weight of materials that were recycled in the previous calendar year, the name, address and telephone number of the responsible collector and any other information requested by the Borough Manager. The reporting requirement may be fulfilled by submission of a letter or statement from the collector which certifies the recyclable materials being collected from the property and setting forth the tonnage collected from such property in the previous year and any other information requested by the Borough Manager (see Part 3). The report shall be due on or before January 15th of each year referencing the required information for the immediately preceding calendar year.

F. Valid documentation under subsection .3.E above shall include information from an end user, recycler, or waste hauler, which describes the type and weight of each recyclable material that was collected and marketed. Documentation may be in one of the following forms:

(1) Copies of weight receipts or statements which consolidate such information.

(2) A report from the provider of recycling collection services which identifies the amount of each material collected and marketed. The type and weight of recyclable materials generated by an individual commercial, municipal, institutional or community activity may be approximated, based on a representative sample of its source separated materials.

(3) A report from the provider of collection services that identifies the type and weight of each recyclable material collected and marketed in cases where recyclables are commingled with the establishment's waste. The type and weight of recyclables generated by an individual commercial, municipal, institutional or community activity may be approximated based on a representative sample of its waste.

(4) With respect to the alternative options in subparagraphs (2) and (3) above, where recyclables from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of materials marketed for recycling purposes can be credited to an establishment.

G. Commercial, municipal and institutional establishments which generate more than 2,200 pounds of municipal waste per month shall also implement a waste minimization opportunity assessment, which must include, at least, the following:

(1) Waste characterization, including source, generation rate, management techniques, and management costs. The assessment must expressly include high-grade office paper, aluminum, corrugated paper, leaf waste, clear, green and brown glass and other materials generated in significant quantities.

(2) A description of all possible waste minimization options, including use

and waste reclamation.

(3) An evaluation of the economic and technical feasibility of each option and a ranking of each option.

(4) An estimate of the pay-back period for each feasible option.

(5) A statement of which options will be implemented, including an explanation and a time table.

(6) Identification of the commercial, municipal, institutional establishment or community activity, its address, the individual(s) who are responsible for implementing the plan, and their telephone number.

H. Based upon the waste minimization opportunity assessment, commercial, municipal and institutional establishments must implement a waste minimization plan which shall be periodically updated. Said plan must include:

(1) Recycling or composting of materials, to the greatest extent feasible, either privately or through a municipal recycling program.

(2) Use, to the greatest extent feasible, of products and materials which are recyclable and made of post consumer materials.

(3) Substitution, to the greatest extent feasible, of durable and reusable products and materials for products that are not durable or reusable.

(4) Appropriate education materials and signs shall be made available to occupants to encourage participation in recycling and waste reduction.

I. All private, commercial, municipal and institutional establishments and community activities private recycling collection activities shall be conducted at least once per month from Monday through Saturday, inclusive, between the hours of 6 a.m. and 6 p.m., prevailing time, unless prior approval of an exception has been granted in writing by the Borough Manager. No collection, hauling or transporting of recyclables shall be permitted on Sunday.

*(Ord. 935, 8/20/2003, §1)*

#### **§20-204. Unauthorized Collection of Recyclable Materials; Scavenging.**

It shall be a violation of this Part for any person, other than the Borough or a collector authorized by the Borough and registered pursuant to Part 3 hereof, to collect recyclable materials placed by residents or by commercial, municipal and institutional establishments or by community activities for collection by the Borough or a collector, unless such person has prior written permission from the owner and from the Borough Manager to make such collection. With respect to any violation of the provisions of this Section, an unauthorized collection from one or more residences or from one or more commercial, municipal, institutional establishment or community activity on one particular calendar day shall constitute a separate and distinct offense for each such residence, establishment or community activity, punishable as a distinct and separate offense as hereinafter provided.

*(Ord. 935, 8/20/2003, §1)*

#### **§20-205. Donation or Sale of Recyclable Materials.**

Any person, residence, commercial, municipal or institutional establishment or

community activity may donate or sell recyclable materials to any person, firm, corporation or association, whether operating for profit or not, providing that said receiving person, firm, corporation or association shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment or community activity without prior written permission from the Borough Manager.

(*Ord. 935, 8/20/2003, §1*)

**§20-206. Recycling of Materials.**

Disposal by persons of recyclable materials collected from the Borough with waste materials is prohibited and shall be a violation of this Part. Collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials generated from the Borough in landfills, or to be burned in incinerators, is prohibited.

(*Ord. 935, 8/20/2003, §1*)

**§20-207. Method Permissible for Council to Designate Recyclable Materials, Their Preparation, Require Reports and Establish Schedule of Collection.**

Council may, by resolution, add or delete to the items to be separated and collected as recyclables, their method of preparation and collection, changing and establishing reporting requirements and procedures and/or establishing the schedule of collection, so long as the resolution is consistent with Act 101.

(*Ord. 935, 8/20/2003, §1*)

**§20-208. Violations and Penalties.**

1. Any person who violates any of the provisions of this Part shall be served with official written warning of noncompliance for the first offense and for the second offense. Service shall be by certified mail, return receipt requested and/or by posting.

2. Any person, firm or corporation who violates a provision of this Part for a third or subsequent time, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

3. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

4. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 935, 8/20/2003, §1; as amended by Ord. 976, 1/16/2008*)

**§20-209. Borough's Reservation of Noncollection Powers.**

The Borough reserves the right not to collect municipal waste containing recyclable

materials. The Borough reserves the right not to collect municipal waste from any residence not being registered as having obtained a Borough recycling container.

(*Ord. 935, 8/20/2003, §1*)

**§20-210. Franchise or License.**

The Borough may enter into agreement with public or private entities to authorize them to collect all or part of the recyclable materials generated in the Borough.

(*Ord. 935, 8/20/2003, §1*)

**§20-211. Fees.**

1. *Imposition of Service Charge.* Council may, by resolution adopted from time to time, impose a service charge on the owner of each separate unit within the Borough for the services provided by the Borough in arranging and paying for collection, removal and disposition of recyclable materials from the unit.

2. *Payment of Charge.* The owner of each unit shall be liable for the payment of the service charge not later than the due date shown on the face of the invoice rendered by the Borough. Provided, the due date shall be not less than 14 days and not more than 30 days from the date of mailing of the bills by the Borough and such due date shall be established by the Borough Manager.

3. *Limitation.* In the event that a unit is vacant and unoccupied from January 1 through December 31, no service charge shall be collected. Provided, however, it shall be the duty of the owner of the unit to establish the vacancy by facts furnished to the Borough Manager within the due date set forth in subsection .2 above.

4. *Penalty of Late Payment.* Any service charge not paid on or before the last day of the month during which such charge becomes payable shall bear interest at the rate of 2 percent per month on the amount of such unpaid charge, for each month or fraction thereof during which such charge remains unpaid and said penalty for late payment shall be added and collected.

5. *Collection of Delinquent Charges.* An account shall be deemed to be delinquent if a service charge levied under this Part remains unpaid as of its due date. The proper officers of the Borough are hereby empowered at their discretion to enforce the collection of any delinquent charge and penalty by civil action, by liens filed in the nature of a municipal lien or by any other action or proceeding which is lawful or may become lawful to enforce the collection of this charge.

6. *Administration.* The administration of the service charge imposed by this Part is vested in the Borough Manager, who is authorized and empowered to make reasonable rules and regulations for its administration.

7. *Duty to Supply Facts.* It shall be the duty of every owner and person to cooperate in the administration of this Ordinance in order that the collection of the service charges imposed herein shall be economically and efficiently performed. It is the duty of any owner or person residing or occupying property within the Borough to answer inquiries by the proper agents of the Borough pertaining to facts relating to administration of this Chapter.

8. *Power of Officers to Contract.* The proper officers of the Borough are hereby authorized to make and enter into a contract with such person or corporation and on

such terms and conditions as shall be in the best interest of the Borough, and in a form approved by the Solicitor, for collection of the annual service charges hereinabove provided for. Such contract shall be entered into in accordance with the provisions of law, and the proper officers of the Borough are hereby authorized and directed to sign, acknowledge and deliver any and all documents necessary to effectuate the provisions of this Section.

9. *Willful Violation.* Any person who willfully fails to pay any charge made under this Section, or who willfully conceals or fails to disclose or misrepresents a fact pertinent to the administration and enforcement hereof, shall, by such conduct, violate the provisions of this Chapter and be subject to enforcement proceedings under §20-208 hereof.

(*Ord. 935, 8/20/2003, §1*)

**§20-212. Regulations.**

The Borough Manager is hereby authorized and directed to adopt such written regulations that may be necessary for the administration and enforcement of this Part. Any regulations adopted by the Borough Manager shall become effective within 30 days after submission to Borough Council, unless the regulations are disapproved by Council within the 30-day period.

(*Ord. 935, 8/20/2000, §1*)



**Part 3****Registration of Solid Waste and Recyclable Material Collectors****§20-301. Definitions.**

All definitions listed in §§20-102 and 20-202 hereof are hereby incorporated by reference into Part 3 and given the same meaning. The following words and phrases shall have the meanings set forth below, unless the context of their use clearly indicates a different meaning:

*Agent* - one who performs an act for his immediate family or for another person gratuitously (without any monetary or material compensation therefore).

*Recycling center* - a facility designed to, and which does, act as a collection center for the processing, storage, and shipment of recyclable materials. The term specifically excludes transfer stations and landfills for solid waste and composting facilities and resource recovery facilities; and specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.

*Registered collector* - a person who has registered with the Borough under the regulations of this Part to collect, transport, and dispose of solid waste and recyclable materials for persons other than himself, his immediate family, or persons for whom he is acting as an agent.

(Ord. 935, 8/20/2003, §2)

**§20-302. Registration of Collectors.**

1. All persons collecting municipal waste and/or recyclable materials within or from the Borough shall register with the Borough in accordance with the requirements of this Part. Registration shall be given only as set forth below. Collection of municipal waste or recyclable materials for persons other than one's self or for whom one is acting as an agent (as defined in this Chapter) may be undertaken only through registration with the Borough as required by this Part.

2. All registered collectors shall have an affirmative duty to follow and conduct themselves in accordance with their current County and/or Commonwealth license or permit, and to service each of their customers in accordance with the requirements of this Chapter, any failure of which shall be a violation of this Part and Chapter.

**A. Collector's Registration.**

(1) *Application*. All collectors of solid waste and recyclable materials in and from the Borough must register with the Borough using such applications and forms provided from time to time by the Borough Manager.

(2) *Application Material*. All collectors of solid waste and recyclable materials registering with the Borough shall furnish the Borough with the following information on a form provided by the Borough Manager.

(a) The name, address, and telephone number of the collector.

(b) The vehicle registration number, state of registration, and the make, model and size of each vehicle to be used for collection and hauling.

(c) A list of all of the collector's current customers in the Borough.

(d) A copy of the collector's current County and Commonwealth license or permit.

(e) Any and all additional information which the Borough may request and deem necessary.

(3) *Annual Registration.* All collectors of solid waste and recyclable materials shall register with the Borough by January 15<sup>th</sup> of each calendar year.

(4) *Impact of Registration.* Registration of collectors under this Section does not grant a vested right to any collector to a continued right to collect municipal waste and recyclables in the Borough, and the Borough reserves the right to contract for municipal waste and recycling services or to initiate the public collection of municipal waste and/or recyclables at any time.

(5) *Duties of Registered Collector.* A registered collector shall comply with the following:

(a) The registered collector shall be responsible for the manner in which his employees perform work pertaining to collection, hauling and disposal of municipal waste and recyclables under the terms of this Chapter.

(b) The registered collector shall pay all costs charged for the use of any disposal facilities, which he utilizes.

(c) A registered collector shall empty bulk containers (such as dumpsters), which have been provided by them to their customers, when such bulk containers become full.

(d) A registered collector shall take all recyclable materials collected from their customers to a recycling center.

(e) The registered collector shall comply with the limitations on hours and frequencies of collection referenced in this Chapter. See §§20-106, 20-203 and 20-306 of this Chapter.

(f) *Required Reports.* Registered collectors handling recyclable materials shall submit to the Borough Manager reports as follows: (1) a report on not less than a quarterly basis; and (2) a final report submitted on January 15<sup>th</sup> of each year for the immediately preceding calendar year. Registered collector reports shall provide the following information for each separate month covered by the report:

(i) Tonnage for each separate item collected.

(ii) The location at which the item was transported.

(iii) The name of the market to which the item was sold.

(iv) Dollar amount received for each item rejected due to contamination, if any, by the market.

(v) The number of properties collected each month.

(vi) Any other information deemed necessary by the Borough Manager.

(*Ord. 935, 8/20/2003, §2*)

**§20-303. Registered Collectors to Provide Recyclable Removal Service for Residential Properties.**

Every registered collector shall provide to its residential customers the service of removing recyclable materials from their properties. Any such recyclable materials so removed by registered collectors shall be kept separate from municipal waste, and shall be taken to a recycling center for the purpose of recycling. Registered collectors shall take all of their customer's recyclable materials to a recycling center for the purpose of recycling.

(*Ord. 935, 8/20/2003, §2*)

**§20-304. Registered Collectors to Provide Recyclable Removal Service for Commercial, Municipal and Institutional Establishments and Properties.**

Every registered collector shall provide to its commercial, municipal, institutional and multifamily housing property customers the service of removing recyclable materials from their properties. Any such recyclable materials so removed by registered collectors shall be kept separate from municipal waste and shall be taken to a recycling center for the purpose of recycling. Registered collectors shall take all of their customers' recyclable materials to a recycling center for the purpose of recycling.

(*Ord. 935, 8/20/2003, §2*)

**§20-305. Regulations.**

The Borough Manager is hereby authorized and directed to adopt such written regulations that may be necessary for the administration and enforcement of this Part. Any regulations adopted by the Borough Manager shall become effective within 30 days after submission to Borough Council, unless the regulations are disapproved by Council within the 30-day period.

(*Ord. 935, 8/20/2003, §2*)

**§20-306. Complaints.**

All complaints regarding collection of recyclables or solid waste shall initially be reported to the registered collector. Any reasonable complaint shall be given prompt and courteous attention by the registered collector. In the case of missed collection, the registered collector shall collect from the missed collection site not later than 24 hours after the complaint is received. Any complaint which the registered collector fails to resolve shall be reported in writing to the Borough Manager.

(*Ord. 935, 8/20/2003, §2*)

**§20-307. Violations and Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of

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finances and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 935, 8/20/2003, §2; as amended by Ord. 976, 1/16/2008*)