

CHAPTER 20
SOLID WASTE

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PART 1
TITLE, PURPOSE, AND DEFINITIONS

§ 20-101. Short Title. [Ord. 11-2009, 7/22/2009]

This chapter shall be known as the "City of Hermitage Municipal Solid Waste Ordinance."

§ 20-102. Establishment of Program. [Ord. 11-2009, 7/22/2009]

The City has an established program for municipal solid waste management and the mandatory separation of recyclables and yard waste from municipal waste which will be collected for disposal from residential dwellings and commercial, industrial, and institutional establishments.

§ 20-103. Purpose and Intent. [Ord. 11-2009, 7/22/2009]

1. It is the intent and purpose of this chapter 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.

2. The City of Hermitage, recognizing that the reclamation of recyclable materials and the composting of yard 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 yard 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"),¹ the Mercer County Solid Waste Management Plan, and this chapter.
3. This chapter 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:
 - A. For the purpose of municipal waste, source-separated recyclables and yard waste collection, all developed residential properties, except as exempted herein, shall be served by a licensed hauler through an exclusive contract with the City to the extent provided by this chapter, and all commercial, industrial and institutional establishments shall be served by a licensed hauler with which they contract directly.
 - B. Haulers collecting municipal solid waste, source-separated recyclables and yard waste shall be licensed with the Commonwealth of Pennsylvania and/or Mercer County.
 - C. All municipal solid waste shall be disposed of at a facility designated in the Mercer County Municipal Solid Waste Management Plan and in accordance with state, federal, and county laws and ordinances.
 - D. Source-separated recyclables and yard waste shall be managed in accordance with Pennsylvania Act 101 and the Mercer County Municipal Solid Waste Management Plan and shall not be collected and removed for disposal at a landfill.
4. These conditions are established to ensure City compliance with Pennsylvania Act 101 and the Mercer County Municipal Solid Waste Management Plan.

§ 20-104. Establishment of Education Program. [Ord. 11-2009, 7/22/2009]

The City has an established education program for municipal solid waste management, recycling and composting in accordance with the provisions of Pennsylvania Act 101 and this chapter. Educational materials and presentations shall be designed to increase the participation of both residents and businesses, to

1. Editor's Note: See 53 P.S. § 4001.101 et seq.

meet the recycling rates and goals established by the commonwealth, and to encourage waste minimization and pollution prevention within the City.

§ 20-105. Definitions. [Ord. 11-2009, 7/22/2009]

As used in this chapter, the following terms shall have the meanings indicated:

BACKYARD COLLECTION — Collection of municipal solid waste from residential properties at a location other than curbside.

BAGS — Plastic sacks designed for municipal waste with sufficient wall strength to maintain physical integrity when lifted by the top, with a capacity not to exceed 32 gallons and a loaded weight not to exceed 25 pounds.

BASE COLLECTION RATE — The monthly cost per residential unit for garbage collection service, which includes the collection of recyclables and yard waste.

BOARD OF COMMISSIONERS — The governing body of the City of Hermitage.

CART — The container, owned and provided by the exclusive contractor, which is capable of being mechanically unloaded into the contractor's collection vehicles.

CITY — The City of Hermitage.

CLEAR GLASS — Empty bottles, jugs and jars made of clear glass. Expressly excluded are broken glass, noncontainer glass, plate glass, automotive glass, safety glass, light bulbs and porcelain and ceramic products.

COLORED GLASS — Empty bottles, jugs and jars made of green or brown glass. Expressly excluded are broken glass, plate glass, automotive glass, safety glass, light bulbs, porcelain and ceramic products, and glass of any other than green or brown color.

COMMERCIAL — Any establishment engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers, and theaters. Multifamily dwellings and town homes of greater than four units, not individually owned, 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).

COMMUNITY ACTIVITIES — Events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, that will be attended by 200 or more individuals per day, which include but are not limited to fairs, bazaars, socials, picnics and organized sporting events.

COMPOST BAG — A paper bag specifically designed to hold yard 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.

COMPOSTING — The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

CONSTRUCTION AND DEMOLITION WASTE — Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster and brick, conduit, pipe, insulation, and other materials which result from a construction, demolition, or remodeling process.

CONSTRUCTION DEBRIS — Waste building materials resulting from construction, remodeling, repair or demolition operations.

CONTAINER — A metal or plastic receptacle used for garbage, yard waste and/or recyclables collection and which is rodent proof and insect proof.

CONTRACTOR — The individual, firm, partnership, joint venture, corporation, or association performing refuse collection and disposal under contract with the City.

CURBSIDE — From any structure, a point at the side of a City- or state-maintained roadway abutting the property; or from a structure abutting a private roadway, a point at the side of the private roadway, provided that the property owner has issued a waiver for collection vehicles to travel along the roadway for collection.

CURBSIDE RECYCLING — Recycling services generally provided to single-family structures and individually owned units in multifamily dwellings. Recyclables are placed by customers at curbside locations for collection.

CUSTOMER — The owner of any residential, commercial, industrial, or institutional property located within the City.

DETACHABLE CONTAINER (also at times referred to as "dumpster") — A watertight, all-metal container, not less than 3/4 cubic yard 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.

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

DISPOSAL SITE — A refuse depository for the processing or final disposal of refuse, 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.

DWELLING UNIT — One or more rooms on premises which have cooking facilities and are arranged for occupancy by one person, two or more persons living together, or one family. Each dwelling unit within a noncommercial building shall be considered an individual customer.

EXCLUSIVE CONTRACT — An agreement entered into by the City of Hermitage with a private person or corporation for the collection and disposal of all residential municipal waste within the City of Hermitage.

FARM — A single parcel of land of at least 20 acres, which is used for normal agricultural purposes, including barns, greenhouses, etc.

FOOD WASTE — 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.

GARBAGE — All discarded putrescible waste matter, but not including sewage or sewage sludge, human excrement or yard waste.

GENERATOR — A person or municipality that produces or creates municipal waste.

HAZARDOUS WASTE — Waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

INDUSTRIAL — Any establishment engaging in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, and refineries.

INSTITUTIONAL — Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools, and universities.

LICENSED HAULER — A person who has obtained a license from the Commonwealth of Pennsylvania and/or from Mercer County or its designee. Said licenses will be issued under the Waste Transportation Safety Act

(Pennsylvania Act 90)² and the Municipal Waste Planning, Recycling, and Waste Reduction Act (Pennsylvania Act 101),³ authorizing said person to collect, transport, and/or dispose of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial, and institutional establishments.

MARKET — The transfer of ownership of recyclable materials for the purpose of recycling the materials into a new product or use.

MULTIFAMILY DWELLINGS — Structures for residential living consisting of attached units.

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

MUNICIPAL WASTE DISPOSAL TAG — A tag(s) sold by the City, or its authorized agent, to be used to provide for the curbside collection of certain municipal waste items. The tag shall be of different color and appearance and vary in cost to distinguish which tag should be attached to a specific municipal waste item.

MUNICIPAL WASTE LANDFILL — A facility using land for disposing of municipal 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 on-site and contiguous collection, transportation and storage facilities, closure and postclosure 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.

MUNICIPAL WASTE MANAGEMENT PLAN — A comprehensive plan for an adequate municipal waste management system in accordance with Chapter 272, Subchapter C (relating to municipal waste planning).

PERSON — An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency,

2. Editor's Note: See 27 Pa.C.S.A. § 6201 et seq.

3. Editor's Note: See 53 P.S. § 4000.101 et seq.

state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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

RECYCLABLES — For residential properties, this shall include mixed wastepaper, including office paper, junk mail and envelopes, corrugated and cardboard materials, newspapers, magazines, telephone books, bimetal and aluminum cans and lids, clean aluminum foil and foil products, clear glass and colored glass and plastics No. 1 through No. 6. For commercial, industrial, institutional and community activities, recyclables shall include corrugated cardboard, high-grade office paper and aluminum cans.

RECYCLE or RECYCLING — The collection, separation, recovery and sale or reuse of 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 other than a fuel for the operation of energy.

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

REFUSE — Discarded waste materials in a solid or semiliquid state, consisting of garbage, rubbish or a combination thereof.

RESIDENCE or RESIDENTIAL — Any house, dwelling, multiunit residence, apartment house, or any building put to residential use, except mixed-use buildings.

RESIDENTIAL UNIT — A group of rooms located within a building and forming a single habitable 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 fewer separate or contiguous single-family dwelling units, with each unit to be treated separately for purposes of billing.

RESIDUAL WASTE — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials, resulting from industrial, mining, and agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, wastewater treatment facility, or air-pollution control facility, provided that it is not hazardous. The term shall not include coal

refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act.⁴ 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).⁵

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

STRUCTURE — All single-family homes, and multifamily dwellings of four units or fewer.

UNACCEPTABLE WASTE — The following categories of materials are considered unacceptable for collection and disposal as municipal solid waste:

- A. Hazardous waste.
- B. Residual waste.
- C. Unsterilized or unprocessed infectious or pathological waste.
- D. Chemotherapeutic waste.
- E. Gas cylinders.
- F. Explosives and ordnance materials.
- G. Liquid waste (i.e., containing less than 20% solids by weight or towable).
- H. Drums, barrels, and buckets, unless lids have been removed and interiors cleaned and free of any residue.
- I. Radioactive materials.
- J. Any solid waste generated outside of the City.
- K. Automotive parts, including tires.
- L. Any other waste which is not permitted under applicable federal, state or local laws.

YARD WASTE — Plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens. Yard 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 inches in diameter; human or animal excrement; noxious weeds; and soil contaminated with hazardous substances.

4. Editor's Note: See 52 P.S. § 30.51 et seq.

5. Editor's Note: See 35 P.S. § 691.1 et seq.

YARD WASTE COMPOSTING FACILITY — 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.

PART 2

STORAGE, COLLECTION, PROCESSING AND DISPOSAL**§ 20-201. General Provisions; Franchise. [Ord. 11-2009, 7/22/2009]**

1. 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 ensure the sanitary and legal disposal of such waste in accordance with this chapter and all other applicable City, state, and federal laws and regulations.
2. Franchise. The Board of Commissioners of the City of Hermitage is authorized to enter into a contract with the lowest responsible, successful bidder pursuant to sealed bids submitted upon advertised specifications, said contract to grant an exclusive right to franchise to the lowest responsible bidder for collection, removal and disposal of refuse, recyclables and yard waste materials of residential customers in the City of Hermitage for the period set forth in the advertised specifications and pursuant to the specifications set forth therein. The successful, lowest responsible bidder shall be the exclusive contractor authorized in the contract to charge and collect from the residential customers for such service the amount of his bid as set forth in the contract.

§ 20-202. Residential Properties. [Ord. 11-2009, 7/22/2009]

1. Storage. Municipal waste, recyclables and yard waste accumulated by owners of residential properties and/or the occupants of residential properties shall be segregated and placed in closed or covered carts or bags for collection by the City's exclusive contractor. Use of detachable containers at multifamily establishments shall comply with the provisions of this chapter.
2. Curbside collection time and responsibility for spillage.
 - A. Residents shall place municipal waste in a cart and/or bag; and yard waste in a cart and/or compost bag and recyclables in a cart at the curbside for collection in sufficient time to permit collection on the day of collection. Collection carts and waste shall be placed at the curb no earlier than 24 hours before the scheduled day of collection.
 - B. The collection course and the schedule of collection days shall be determined by the contractor. No collection shall take place between the hours of 5:00 p.m. and 6:00 a.m. or anytime on Sunday. Residents shall prevent the spillage of any solid waste material placed at the

curb for collection and shall be responsible for the cleanup of any spilled municipal waste and/or recyclables and/or yard waste prior to collection by the City's contractor.

3. Preparation for curbside collection.
 - A. Solid waste.
 - (1) All municipal waste shall be placed in a cart(s) provided by the contractor and/or in a bag(s), except as provided herein, and placed at the curbside at a location not to exceed eight 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 two feet between carts. Filled cart(s) placed at the curbside for collection shall not exceed maximum weights detailed in the contract.
 - (2) The lid of a cart shall close securely and bags shall be tied at the top to prevent the spillage of any municipal waste. Any municipal waste preventing the closing of the lid shall be deemed excess municipal waste and shall require a municipal waste disposal tag.
 - B. Recyclables. Recyclables shall be placed in a cart(s) supplied by the contractor and placed at the curb within eight feet of the curb or edge of the roadway, on a level spot on the dwelling unit's property and in such a manner to not interfere with or block the street right-of-way or public space, and with a distance of at least two feet between carts. Recycling cart(s) placed at the curbside for collection shall not exceed maximum weights detailed in the contract.
 - C. Yard waste. Yard waste may be placed at the curb for collection in a cart(s) and/or in a compost bag. The yard waste cart, when filled, shall not exceed 200 pounds when placed at the curb for collection. The cart shall be placed within eight 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 with or block the street right-of-way or public space, and with a distance of at least two feet between carts.
 - (1) 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 and the contractor. Natural Christmas trees may be placed at the curb, subject to the same placement requirements as yard waste, and cut so that the branching spread is not more than four feet across and pieces of the trunk are no more than six feet in length.

- D. Ownership and care of solid waste, recycling and yard waste carts. All carts are the property of the contractor. Customers shall exercise reasonable care and custody of the cart(s) they are assigned and shall only utilize the cart(s) for the purposes they were provided. Municipal waste, recyclables and yard waste shall remain segregated in carts and other permitted containers. Failure to maintain segregation of waste products shall constitute a violation of this chapter. Customers shall maintain the cart(s) in a sanitary condition at all times and shall not remove the cart(s) from the property to which the cart(s) was(were) assigned by the contractor.
- E. Municipal waste disposal tag. A municipal waste disposal tag(s) shall be sold by the contractor, or its designated agents, and utilized by the customer for the curbside collection of all municipal waste items that do not fit into a solid waste cart(s), including bags and excess garbage. Municipal waste disposal tags shall be required for the following types of municipal waste placed at the curbside for collection by the city's contractor. A separate municipal waste disposal tag shall be secured on each item, and such tags are not reusable.
- (1) Large item/garbage bag tag. A municipal waste disposal tag shall be used for each single municipal waste item that does not fit inside a cart, including a bag and other single items outside the cart that do not exceed 25 pounds. Such items include but are not limited to small TVs, bicycles, lamps, and large toys.
 - (2) Bulk item tag. A municipal waste disposal tag shall be used for each single solid waste item placed outside a cart. Such items include sofas, large overstuffed chairs and large-screen/console TVs. The customer shall provide an advance notice to the City's contractor of one business day before the customer's regular collection day.
 - (3) White good/appliance. A municipal waste disposal tag shall be used for each single solid waste item placed outside a cart. This includes refrigerators, washers, dryers, hot-water tanks and similar large household appliances. All appliances containing freon must have the freon removed by a state-certified technician prior to curbside collection. All refrigerator and freezer doors shall be removed prior to placing at curbside for collection. The customer shall provide an advance notice to the City's contractor of one business day of the customer's regular collection day. Pianos, organs, spas, hot tubs and furnaces are not included.
 - (4) Volume pickup tag. A municipal waste disposal tag shall be used for a volume pickup of municipal waste, placed in containers and/or bags, not exceeding two cubic yards, which is

approximately 596 gallon containers, or a combination of bags and large items not exceeding 16 items. Customers shall provide an advance notice to the City's contractor of one business day of the customer's regular collection day.

- (5) Placement of items requiring solid waste tag. All items requiring a municipal waste disposal tag shall be placed within eight feet of the curb or edge of roadway, on the dwelling unit's property, so as to not block, interfere with or otherwise prevent access to the municipal waste, recycling and/or yard waste cart(s), or any street right-of-way or public place. The customer shall maintain the area around the municipal waste item to provide unobstructed access, including the removal of snow and ice.

§ 20-203. Commercial, Industrial and Institutional Properties and Community Activities. [Ord. 11-2009, 7/22/2009]

1. Containers. Municipal waste, recyclables and yard waste accumulated on commercial, industrial and institutional properties shall be segregated and stored in containers or detachable containers.
2. 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.
3. Location of containers. Detachable containers for the storage and collection of municipal waste, recyclables and yard waste at commercial, industrial, or institutional properties shall be located on the customer's premises, which location, and buffering, if required, shall be in compliance 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.
4. Collection. All owners and occupants of commercial, industrial and institutional properties shall provide for the regular collection and removal of municipal waste, recyclables and yard waste as segregated from the property through a contract with a licensed hauler. Failure to maintain segregation of waste products shall constitute a violation of this chapter.
5. 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.

§ 20-204. Recyclables. [Ord. 11-2009, 7/22/2009]

1. Separation of recyclables. Recyclables shall be kept separate from and disposed of separately from municipal waste and yard waste.
 - A. Commercial, industrial and institutional property. A nonoccupant 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 they are transported to a recycling facility.
 - B. Community activities. Property owners and/or organizers of community activities shall be deemed to have complied with their separation responsibilities if they establish a collection system at each property/event for the separation of recyclables and provide for their collection and transportation to a recycling facility.
 - C. 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.
2. Collection.
 - A. For residential properties, all recyclables shall be placed at the curbside as specifically provided herein.
 - B. For commercial, industrial and institutional properties, all recyclables shall either be delivered directly to a recycling center or shall be collected by a licensed hauler separately from municipal waste on a regular basis. 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.
 - C. All property owners and/or organizers of community activities shall provide containers for the storage and collection of recyclable materials and make proper arrangements for such collection.
 - D. All licensed haulers shall transport collected recyclables to a recycling facility; and recyclables shall not be commingled, during collection or otherwise, with municipal waste or yard waste.
3. Donation of materials. Any person may donate or sell recyclables to individuals or organizations.

§ 20-205. Yard Waste. [Ord. 11-2009, 7/22/2009]

1. Separation. All residential customers and commercial, industrial, or institutional establishments who gather yard waste shall separate all yard

waste from municipal solid waste and recyclables and place it for collection and transport to an appropriately permitted composting facility.

2. Use of compost. Nothing in this chapter shall require any person to gather yard waste or prevent any person from utilizing yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening and/or landscape purposes.
3. Commercial landscaping. Nothing contained herein shall prohibit a commercial landscaping company from removing yard waste, for the purpose of composting, from the properties which it services.
4. Residential yard waste. All separated residential yard waste generated by properties subject to curbside collection shall place yard waste as specifically provided herein.
5. Permitted facility. Yard waste separated from municipal waste and collected by a licensed hauler shall be delivered to a yard 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.
6. Residential curbside collection. For residential properties eligible for curbside collection of yard waste shall occur on a weekly basis between April 1 and November 30. A separate curbside collection of once a week for two weeks will be scheduled by the City for the collection of natural Christmas trees.

§ 20-206. Licensing of Collectors. [Ord. 11-2009, 7/22/2009]

Licensed haulers. It shall be unlawful for any person other than persons authorized by license by the Commonwealth of Pennsylvania and/or Mercer County, or its designee, as a regular hauling business to collect and/or transport municipal waste, recyclables and yard waste, which are generated within the City, except as specifically provided herein.

§ 20-207. Collection by Unauthorized Persons. [Ord. 11-2009, 7/22/2009]

1. Licensed hauler. Except as specifically provided herein, it shall be a violation of this chapter for any person(s) other than a licensed hauler to collect, remove or transport, or cause to be collected, removed or transported, any municipal waste, recyclables and yard waste. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as provided for in this chapter.
2. Nonresidential storage bins or detachable containers. Any municipal waste, recyclables and yard waste deposited in storage bins 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 licensed hauler when the material is collected.

3. Scavenging. Scavenging or pilfering of municipal waste, recyclables or yard waste shall constitute a violation of this chapter.

§ 20-208. Transportation of Municipal Solid Waste, Recyclables or Yard Waste. [Ord. 11-2009, 7/22/2009]

1. Spillage. Any person transporting municipal waste, recyclables or yard waste within the City shall prevent or remedy any spillage from vehicles or containers used in the transport of such material.
2. Vehicle markings. The licensed 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 markings, signs, or decals identifying them as being municipal solid waste collection vehicles, and stating the name and phone number of the licensed hauler.
3. Vehicle conditions. All vehicles used for the transportation of municipal waste, recyclables and/or yard 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.
4. Vehicle transfers. The transfer of municipal waste, recyclables and/or yard 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.

§ 20-209. Disposal of Municipal Solid Waste. [Ord. 11-2009, 7/22/2009]

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 Mercer County Solid Waste Management Plan.

§ 20-210. Unlawful Disposition of Municipal Waste. [Ord. 11-2009, 7/22/2009]

It shall be unlawful for any person to bring any municipal waste into the City of Hermitage 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.

§ 20-211. Bulk Waste and White Goods. [Ord. 11-2009, 7/22/2009]

1. Transportation and disposal. Bulk waste and white goods shall be disposed of in accordance with the Mercer County Municipal Solid Waste Management Plan at a permitted disposal facility, a facility specially designated by the City to take such bulk items and white goods, or a legitimate salvage dealer that is in the business of disposing of or recycling such items. Bulk waste and white goods shall be transported in a vehicle appropriate to the type of waste so as to prevent spillage, accidental loss, etc.
2. 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 solid waste from hauling his/her bulk waste to a state-permitted disposal facility or to a disposal facility as designated by the Mercer County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility.

§ 20-212. Construction and Demolition Waste. [Ord. 11-2009, 7/22/2009]

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.

§ 20-213. Dumping/Litter. [Ord. 11-2009, 7/22/2009]

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 chapter. It shall be unlawful for any person to dump or deposit any municipal solid waste or recyclables in any stream or body of water within the City.

§ 20-214. Exclusions. [Ord. 11-2009, 7/22/2009]

1. Farming. Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure or other farm-produced agricultural waste not otherwise prohibited or regulated for land applications. All such practices must be conducted in compliance with applicable City, state, and federal laws and regulations.
2. Hazardous/residual waste. The provisions of this chapter apply only to the storage, collection, transportation, and disposal of municipal waste, recyclables, and yard 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.

3. 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 his/her self-generated construction and demolition waste to a state-permitted disposal facility or to a disposal facility as designated by the Mercer County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility.
4. Exclusion of residential unit. Residential property owners who are the owners of a commercial, industrial or institutional establishment may be excluded from the curbside collection requirements of this chapter to the extent that the property owner can demonstrate that he/she has collection and disposal services available through a written agreement with a commercial, industrial or institutional property that he/she owns and he/she maintains a contract for services with a licensed hauler that otherwise complies with City ordinances. Such residential property owner shall apply for exclusion under this provision on a form provided by the City that certifies compliance with the provision for exclusion. Such residential property owners shall remain responsible for compliance with all other provisions of this chapter. Residents who are occupants of a farm property, as defined in § 20-105 of this chapter, may be excluded from the curbside collection requirement of this chapter; however, such residents shall comply with all other provisions of this chapter.
5. Placement exemptions.
 - A. The City may grant exceptions to the placement of municipal waste, recyclables and yard 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.
 - B. The City may grant exceptions to the placement of municipal waste, recyclables and yard 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.
 - C. Residential property owners who do not fit within Subsection 5A or B above may request backyard collection service of municipal waste only. Such backyard collection service shall be limited to one cart or two thirty-two-gallon bags. An additional fee shall be charged for such backyard collection service.

PART 3

SERVICE FEES AND BILLING**§ 20-301. Residential Properties. [Ord. 11-2009, 7/22/2009]**

1. Mandatory participation. Unless otherwise exempted under this chapter, every owner and/or occupant of a developed, occupied residential property, except multi-family dwelling units of five or more units not individually owned, within the City shall pay a base collection rate for garbage, recyclables, and yard waste collection services to the contractor in an amount and in the manner as determined by the contract (lowest responsible, successful bid).
 - A. Each occupied residential dwelling unit shall pay a variable disposal rate, in addition to the base collection rate, based on the volume and number of carts. The City shall establish fees for municipal waste disposal tags for tagged bags, bulk items or white goods placed at the curb for collection, through the contract between the City and the exclusive contractor.
 - B. Each residential dwelling unit may place an unlimited amount of recyclables in carts, or yard waste in carts or composting bags, at the curb.
 - C. Provisions for temporarily unoccupied properties may be established by the City.
 - D. All bills for municipal waste services will be rendered prior to the service period. All billing administration for municipal waste services is the responsibility of the contractor, in accordance with the terms of the contract.
2. Low-income assistance program. The contractor will make billing adjustments in accordance with the City's low-income assistance program.
3. Discontinuance of service. The contractor may discontinue service for nonpayment of service fees by an owner of property or a person occupying a residential dwelling unit, or premises, in accordance with the terms of the contract.

§ 20-302. Commercial, Industrial and Institutional Properties and Community Activities. [Ord. 11-2009, 7/22/2009]

1. Community activities. 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 licensed hauler for garbage, recyclables, and yard waste collection services to the extent provided by this chapter.

2. Commercial, industrial and institutional establishments.
 - A. Commercial, industrial, and institutional establishments shall submit annually, on forms provided by the City, a report to the City or its designated agent which contains the following information concerning compliance with the recycling requirements of this chapter:
 - (1) Commercial/industrial or institutional name, address, telephone number, contact person and owner's name.
 - (2) Company name, address, telephone number, and contact person for entity providing the recycling service.
 - (3) Description of materials recycled, frequency of collection, method of storage and end market.
 - (4) Weigh slips or other certification which show weight and type of material recycled. If weigh slips are not used, the form of certification requires the prior approval of the City.
 - (5) Form of certification to assure proper processing/marketing of recyclable materials.
 - (6) Other information as may be required by the City agent which may be required to assure the proper disposition of recyclable materials.
 - B. Required information is due within 60 days of the end of the reporting period, which is the end of the calendar year.

PART 4

ENFORCEMENT AND ADMINISTRATION

§ 20-401. Enforcement and administration. [Ord. 11-2009, 7/22/2009]

The City Manager, or his designee, shall enforce and administer the provisions of this chapter.

PART 5
PENALTIES

§ 20-501. Penalties. [Ord. 11-2009, 7/22/2009]

Any person violating any of the provisions of this chapter shall, upon conviction by a District Magistrate, be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Mercer County Prison for a period of not more than 30 days. Every violator of the provisions of this chapter 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.

§ 20-502. Other Remedies. [Ord. 11-2009, 7/22/2009]

1. Removal of accumulation of solid waste. In addition to the foregoing penalty, the City may require the owner or occupant of a property to remove any accumulation of municipal waste; and should said person fail to remove such municipal solid waste after five 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 or occupant of the property.
2. Separate offenses. Nothing contained in this article shall affect, in any way, the provisions of this chapter regarding separate offenses for every day any violation occurs.

PART 6

SEVERABILITY AND AMENDMENTS**§ 20-601. Severability. [Ord. 11-2009,7/22/2009]**

Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of this chapter shall not be affected thereby.

§ 20-602. Amendments. [Ord. 11-2009,7/22/2009]

This chapter or any part thereof may be amended from time to time in accordance with the procedures as established by law.

§ 20-603. Applicability. [Ord. 11-2009, 7/22/2009]

This chapter 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.

§ 20-604. Effective Date. [Ord. 11-2009, 7/22/2009]

This chapter shall become effective at the expiration of seven days after formal enactment.

§ 20-605. Repealer. [Ord. 11-2009,7/22/2009]

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this chapter shall and the same is hereby repealed to the extent of such conflict. The following ordinances or parts thereof are specifically repealed: Ordinance No. 18-70, as amended, enacted July 8, 1970, and Ordinance No. 3-90, as amended, enacted May 9, 1990.

