

**CHAPTER 20**

**SOLID WASTE**

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**PART 1**

**COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE, LITTER AND REFUSE**

**§20-101. Definitions.**

**COLLECTOR** — the person, firm, association, partnership or corporation granted a contract for the collection, removal and disposal of garbage and refuse within the Borough.

**GARBAGE** — all putrescible wastes, except sewage and body waste and carcasses of dead animals, and shall include all animal wastes resulting from the handling, preparation, cooking and consumption of food.

**LITTER, GARBAGE, REFUSE AND RUBBISH** — as defined herein, and all other waste material, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

**PARK** — a park, reservation, playground or recreation center or any other public area in the Borough, owned or used by the Borough and devoted to active or passive recreation.

**PERSON** — any person, firm, partnership, association, corporation or organization of any kind.

**PRIVATE PREMISES** — any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch or other structure appurtenant to such dwelling, house or building.

**PUBLIC PLACE** — any and all streets, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

**REFUSE** — all putrescible or non-putrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. [Ord. 321]

**RUBBISH** — non-putrescible solid wastes, consisting of both combustible and non-combustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. [Ord. 321]

**VEHICLE** — every device upon, in, or by which any person or property is or may be transported or drawn upon a highway.

**UNIT** — shall be defined as meaning the following:

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- A. In the case of a single family dwelling or townhouse as defined in the Rockledge Zoning Ordinance [Chapter 27], which is incorporated herein, said single family dwelling or townhouse shall constitute one unit for the purposes of this Part.
- B. In the case of a two family dwelling or residence as said term is defined in the Rockledge Zoning Ordinance [Chapter 27] as amended, which is incorporated herein, said two family dwelling or residence shall constitute two units.
- C. In the case of a multifamily dwelling as said term is defined in the Rockledge Zoning Ordinance [Chapter 27], as amended, which definition is incorporated herein, said property shall constitute a unit which is being occupied or that could be occupied by each family living independently of the other at said property location but not greater than four families for the purposes of the property owner being qualified to receive garbage and refuse collection to be provided by the Borough of Rockledge.
- D. In the case of the property located in the Borough of Rockledge which is being used in accordance with the requirements of the Rockledge Zoning Ordinance [Chapter 27] and as amended or prior zoning ordinances applicable for uses allowed or permitted in the retail office district or highway business district as established by the Rockledge Zoning Ordinance [Chapter 27], then a unit shall consist of each retail, service or general business establishment or professional office occupying or physically comprising the premises in the case of a property located in the Borough of Rockledge and contained within the retail office district or highway business district, which retail, service or general business establishment or professional office is separate and apart from each other.

(Ord. 303, 8/10/1964, §1; as amended by Ord. 321, 1/9/1967; by Ord. 416, 12/-/1981; by Ord. 443, 1/12/1987, §1)

### **§20-102. Authority of Council.**

The Borough Council, in the manner provided by law, shall award a contract, from time to time, to a collector in order to provide for the collection, removal and disposal of garbage and rubbish within the Borough.

(Ord. 303, 8/10/1964, §2)

### **§20-103. Regulations.**

The following regulations shall apply to the collection of garbage and rubbish within the Borough, which regulations may be amended, from time to time, by proper resolution of the Borough Council:

- A. Every person desiring the collector to collect, remove and dispose of garbage shall provide a water-tight, rust resistant container made of metal, plastic or other durable material, equipped with a tight-fitting cover, into which the garbage shall be deposited. All liquid shall have been drained off and no such container, along with its contents, shall not weigh more than 75 pounds.
- B. All rubbish shall be set out for collection in water-tight, rust resistant containers made of metal, plastic, or other durable material, equipped with a tight-fitting lid; provided, however, that where rubbish, by reason of its character or size, cannot be made to fit in a container of 40 gallon capacity, it shall be tied in bundles and firmly secured so as to prevent its being carried away or scattered by the elements. All boxes, crates or barrels shall be collapsed and securely tied in bundles. No such rubbish container, together with contents, shall weigh more than 75 pounds, and no rubbish bundle shall weight more than 40 pounds. In no event shall paper bags be used as a container in which garbage or rubbish is deposited for collection. [Ord. 402]
- C. No garbage or rubbish shall be transported from outside the Borough for collection and removal within the Borough.
- D. The Borough and the collector will not be responsible for the removal of rubbish or waste materials resulting from the construction, erection, demolition, alteration or remodeling of buildings, sidewalks, curbs, driveways or other structures, and it shall be the responsibility of the owners and occupiers of the premises upon which such materials accumulate to remove them from the Borough.
- E. All garbage and rubbish to be collected shall be deposited at the curb not earlier than 8 p.m. of the day prior to the day fixed for collection and the empty containers shall be removed from the curb and sidewalk area not later than midnight of the day of collection.
- F. Beginning with the calendar year 1987 and each year thereafter, an annual charge for garbage and refuse collection in the amount of \$126 for the year 1987 and \$133 for the calendar year 1988 will be assessed against each property owner for each property located within the Borough of Rockledge, said charge to be assessed for each individual unit or units comprising the property as defined in Section of the codified Ordinances of the Borough of Rockledge.
  - (1) Time of Payment. The annual charge(s) for garbage and refuse collection shall be paid by the owner or owners of the properties served by the Borough of Rockledge as restricted by this Part, to the Tax Collector of the Borough, at the times fixed for the payment of the annual taxes assessed and levied against real estate within the Borough, and the same discount allowed for, and the same penalty imposed upon,

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the payment of such annual real estate taxes shall be applied to the said annual charge(s) for garbage and refuse collection.

- (2) Liens. The annual charge(s) shall be a lien on properties charged with the payment thereof from the 31st day of December of the year in which any or charge(s) shall become payable and may be collected by an action or assumpsit, or be distress upon personal property or the premises, or by a line filed in the nature of a municipal claim.
- (3) Discount Period. All taxpayers subject to the payment for garbage and refuse collection charge(s) by the Borough of Rockledge, Montgomery County, Pennsylvania, shall be entitled to a discount of 2% from the amount of such charge upon making payment of the whole amount thereof within 2 months after the date of the notice. No discount will be permitted after the expiration of the 2 month discount period.
- (4) Penalty Period. All taxpayers subject to the payment of garbage and refuse collection charge(s) assessed by the Borough of Rockledge, Montgomery County, Pennsylvania, who shall fail to make payment of the aforementioned charge(s), against them for 4 months after the date of the notice, shall be charged a penalty of 10% of the amount of such charges.
- (5) Authorization of Tax Collector to Collect. The tax collector of the Borough of Rockledge is hereby authorized to charge a penalty of 10% against those property owners who shall fail to make payment of the aforementioned garbage and refuse collection charge(s) against them for 4 months after the date of the notice and such penalty shall be added to the charges by the tax collector and be collected by him.
- (6) Collection Fee-Suit. When any garbage and refuse collection charge(s) become the subject of collection by legal process or the filing of a municipal claim, then there shall be charged interest against the amount owed at the rate of 10% per annum.
- (7) Senior Citizens Discount. Any resident of the Borough of Rockledge who resides in an owned single-family dwelling and said resident is 65 years or older, then a rebate of 20% is to be allowed against the annual charge assessed for garbage and refuse collection. In order to qualify for said rebate, the resident must be 65 years of age or older; be the owner of the property in question; reside at the given address and must qualify for the discount by making application for same. Said rebate is only for single-family dwellings and may not be applied against a multiple dwelling unit or a business property. An application for said rebate must be filed once not later than December 31, of the year in question. Any person who has already applied for a discount against sewer rental charges and who is qualified to receive said discount for the year 1987 will receive a discount against the charge(s)

for garbage and refuse collection at the same rate as stated herein.  
[Ord. 459]

(Ord. 303, 8/10/1964, §3; as amended by Ord. 402, 6/12/1978, §1,2; by Ord. 416, 12/-/1981; by Ord. 443, 1/12/1987, §2; by Ord. 448, 12/14/1987, §1,2; by Ord. 459, 12/12/1989, §1,2; by Ord. 468, 12/11/1989, §1, by Ord. 480, 12/10/1990, §1; by Ord. 487, 12/11/1991, §1; by Ord. 495, 12/14/1992, §1,4; by Ord. 501, 12/19/1993, §1,3; Ord. 527, 1/13/1997, §1,3; by Ord. 528, 3/10/1997, §§1,2; by Ord. 564, 12/11/2000, §1,3; Ord. 581, 12/23/2002)

**§20-104. Dumping and Littering Prohibited.**

No person shall throw or deposit litter in or upon any street, sidewalk or other public places within the Borough except in public receptacles or in authorized private receptacles for collection. Persons placing litter in public or private receptacles shall do so in a manner to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(Ord. 303, 8/10/1964, §4)

**§20-105. Sweeping or Deposit of Litter.**

No person shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the Borough, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Borough shall keep the sidewalk in front of their business premises free of litter.

(Ord. 303, 8/10/1964, §5)

**§20-106. Throwing or Depositing of Litter on Streets Prohibited.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough, or upon private property.

(Ord. 303, 8/10/1964, §6)

**§20-107. Transportation of Contents, Load or Litter.**

No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any of its contents, load or litter from being blown or deposited upon any street, alley or other public place.

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(Ord. 303, 8/10/1964, §7)

### **§20-108. Throwing or Depositing of Litter on Open or Vacant Private Property Prohibited.**

No person shall throw or deposit litter on any open or vacant private property within the Borough, whether such property is owned by such person or not.

(Ord. 303, 8/10/1964, §8)

### **§20-109. Responsibilities of Owner or Person in Control.**

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this shall not prohibit the storage of litter in authorized receptacles for collection.

(Ord. 303, 8/10/1964, §9)

### **§20-110. Throwing or Depositing of Litter on Occupied Private Property Prohibited.**

No person shall throw or deposit litter on any occupied private property within the Borough, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Ord. 303, 8/10/1964, §10)

### **§20-111. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 303, 8/10/1964, §11; as amended by Ord. 324, 5/8/1967, §II and by Ord. 590, 3/14/2005, §1)



**PART 2**

**RECYCLING**

**§20-201. Legislative Intent.**

1. The Borough of Rockledge has established a mandatory program to separate, collect and dispose of certain recyclable solid waste.
2. The Borough of Rockledge has entered into an agreement to implement said recycling program.
3. The Borough Council of Rockledge has determined that it is appropriate and in its interest for the health, safety and welfare of the residents of the Borough of Rockledge to regulate the collection and disposal of recyclable solid waste;

(Ord. 491, 8/10/1992, §1)

**§20-202. Definitions.**

**NEWSPAPERS** — a paper product printed on newsprint, including all newspapers, newspaper advertisements and comics. Not included in this definition are magazines, telephone books or other advertising material printed on glossy or slick papers, whether enclosed with the newspapers or not.

**PERSON** — any individual, partnership, association, firm, corporation or any and all combinations of individuals acting in concert.

**PLASTIC BOTTLES** — #1 Polyethylene Terephthalate (PET) and #2 High Density Polyethylene (HDPE).

**RECYCLABLE COLLECTOR** — a contractor under contract with Borough of Rockledge to provide collection of recyclables for manufacturing or reuse, subject to the terms and conditions of said contract with the Borough of Rockledge. [Ord. 574]

**RECYCLABLES** — solid waste consisting of newspapers, glass bottles and jars, and aluminum and tin metal food, beverage cans, plastic bottles and such other materials as hereafter designated by and approved by the Borough Council.

**RESIDENT** — any person residing in or owning, leasing, occupying or operating any business, commercial enterprise or service institution within the Borough of Rockledge, who is currently receiving refuse collection services from the Borough of Rockledge or will in the future receive refuse collection services from the Borough of Rockledge.

**RESIDENTS NOT CURRENTLY RECEIVING REFUSE COLLECTION SERVICES FROM THE BOROUGH OF ROCKLEDGE** — Residents who are not receiving refuse

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collection services from the Borough of Rockledge can comply with the mandatory recycling requirements of this Part by contracting with third parties. Written permission to contract with third parties for recycling services must be received in advance from Borough Council. Tonnage reports must be provided to Borough Council by the resident for the prior calendar year, by no later than January 31st of the year which follows. Said residents must provide their own adequate containers for recycling collection. Sufficient documentation must be produced to Borough Council when the contract is initially entered into. Thereafter, sufficient documentation of the contract for recycling shall be produced to Borough Council upon demand, in order to ensure compliance with the mandatory recycling requirements of this ordinance.

**SOLID WASTE** — materials or substances discharged or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water carried materials or substance and those in gaseous forms, street cleanings, dead animals, abandoned vehicles, industrial waste, hazardous waste and construction and demolition debris.

(Ord. 491, 8/10/1992, §221 or amended by Ord. 499, 9/13/1993, §1; and by Ord. 574, 7/9/2001, §1)

### **§20-203. Collection and Disposal of Recyclable Solid Waste.**

1. Participating residents and those residents who are not currently receiving refuse collection services from the Borough of Rockledge who wish to comply with the mandatory recycling requirements of this Part and have contracted with third parties for recycling services shall separate recyclable solid waste as follows:
  - A. Aluminum and metal cans and glass shall be placed in separate containers supplied by the Borough to those residents who must comply with the mandatory requirements of this Part. Those residents who are not receiving refuse collection services from the Borough and who apply to the Borough for written permission to recycle those materials required by this ordinance by contracting with third parties, must provide their own containers for recycling.
  - B. Newspapers shall be bundled or placed in paper bags.

[Ord. 499]

2. Recyclables for collection shall be placed in containers provided by the Borough and placed at the curbside on the dates prescribed by the Borough Council. Excess recyclable materials shall be placed in additional appropriate containers provided by the resident, next to the Borough-provided containers on the day prescribed.
3. Borough Council shall, by resolution, designate the days of the week on which recyclables shall be collected and removed from a particular area. Recyclables shall

not be collected or removed from any area except on the day of the week designated by Borough Council.

4. Ownership of recyclables set out for collection, as herein provided, shall thereupon vest in the Borough. It shall be unlawful for any person, other than that person under contract with or employed by the Borough, and any other person to whom the Borough has given its express written permission to remove recyclables in accordance with section (3) above, to collect, remove or dispose of recyclables which are the property of the Borough, or other solid waste which retains any commercial value of reuse, resale or salvage. [Ord. 499]

(Ord. 491, 8/10/1992, §3 as amended by Ord. 499, 9/13/1993, §§2,3; and by Ord. 574, 7/9/2001, §2)

#### **§20-204. Penalties for Offenses and Noncompliance.**

Any person engaged in the business of collecting solid waste, other than persons under contract with or employed by the Borough, who shall collect, remove or dispose of recyclables which are property of the Borough, or other solid waste which retains any commercial value for reuse, resale or salvage shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

Any person who fails to comply with the mandatory requirements of this recycling program shall be guilty of a violation punishable by a fine not exceeding \$14. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 491, 8/10/1992, §4, as amended by Ord. 499, 9/13/1993, §4; and by Ord. 590, 3/14/2005, §1)