

**BEFORE THE BOROUGH COUNCIL OF  
THE BOROUGH OF COPLAY  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 849**

**AN ORDINANCE AMENDING CHAPTER 20, SOLID WASTE, OF THE CODIFIED  
ORDINANCES OF THE BOROUGH OF COPLAY, AMENDING THE MUNICIPAL  
SOLID WASTE ORDINANCE AND ADDING RECYCLING REQUIREMENTS, AND  
REPEALING ALL ORDINANCES INCONSISTENT THEREWITH**

**NOW, THEREFORE**, pursuant to the authority contained in the Borough Code, as amended, the Borough Council of the Borough of Coplay, Lehigh County, Pennsylvania, does hereby enact and ordain as follows:

**SECTION 1.** Chapter 20, Solid Waste, of the Borough of Coplay Code of Ordinances is hereby repealed in its entirety and replaced as follows:

**“ARTICLE I: SOLID WASTE COLLECTION**

**§101. Title.**

This Article shall be known and may be cited as the “Borough of Coplay Solid Waste Collection Ordinance.”

**§102. Definitions.** As used in this Article, the following terms shall have the following meanings:

**Act 101-** The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning Recycling and Waste Reduction Act of 1988.

**Authorized Collector** - Person registered and authorized by the Borough of Coplay to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, municipal establishments, and community activities in the Borough of Coplay.

**Commercial Establishment** - A building or buildings used or designed for use for commercial purposes, including, but not limited to wholesale, industrial, manufacturing, transportation, financial or professional services stores, markets, office buildings, restaurants, shopping centers, theaters or other commercial activities.

**Community Activities** - Events sponsored in whole or in part by the Borough of Coplay or conducted within the Borough of Coplay and sponsored privately, which include, but are not limited to fairs, bazaars, socials, picnics and organized sporting events that will be

attended by 200 or more individuals per day.

**Composting Facility** - A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings that is permitted by the Commonwealth of Pennsylvania.

**Covered Device** - As defined in Act 108, Covered Device Recycling Act, a covered computer device and covered television device marketed and intended for use by a consumer.

**Disposal Facility** - A state-permitted facility which processes or acts upon municipal waste so as to dispose of the material, such as an incinerator, a resource recovery plant, a waste-to-energy facility, or a sanitary landfill.

**Dwelling Unit** - A room or rooms within a building connected together, constituting a separate independent housekeeping establishment for a single family, for owner occupancy or for rental, lease or other occupancy on a monthly or longer basis.

**Industrial Establishment** - Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

**Institutional Establishment** - An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

**Leaf/Yard Waste** - Leaves, garden residues, shrubbery, grass clippings, tree trimmings, and similar materials.

**Multi-Family Residential Establishment** - A building or buildings under single or multiple ownership and designed as a residence for four or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

**Municipal Establishment** - Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Borough of Coplay, any counties, cities, boroughs, and municipal authorities.

**Municipal Waste** - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., 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 or leaf waste.

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

**Recyclable Materials** - Those materials specified by the Borough of Coplay for collection in accordance with this Article and recycling regulations that may be promulgated from time to time for collection, processing, and recovery as part of a recycling program. These materials include aluminum cans, bi-metal containers, corrugated paper, glass containers, leaf waste, magazines, mixed paper, newsprint, high grade office paper, and plastic containers.

**Recycling** -The collection, processing, recovery and sale or reuse of recyclable materials, which could otherwise be disposed or processed as municipal waste.

**Recycling Container** - A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the Borough of Coplay, property owner, resident or tenant, or the authorized collector. A recycling container must be durable, watertight, and be at least 13-gallons in size and no more than 35-gallons with a label indicating the container is for recyclable materials.

**Recycling Facility** - A facility employing a process that separates or classifies recyclable materials 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 does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**Single-Family Residential Establishment** - An occupied dwelling unit for human habitation, except multi-family residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a "residential establishment."

**Source Separation** - The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

### **§103. Collector registration required.**

It shall be unlawful for any person to collect, remove and/or transport municipal waste, recyclable materials, and/or leaf waste within the Borough of Coplay without first registering with the Borough of Coplay Secretary. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Borough and transport leaf waste generated from their services off the property where the materials were generated. Exceptions are made for residents who directly deliver (self-haul) their recyclable materials to a recycling facility and/or leaf /yard waste to a composting facility.

#### **§104. Collector registration and approval requirements.**

All persons wishing to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf /yard waste within the Borough must annually register and receive authorization from the Borough Council to provide collection, removal, and transportation services to residential, commercial, institutional, and municipal establishments. Authorized collectors may collect, remove or transport municipal waste, recyclable materials, and/or leaf waste within the Borough from the date of authorization until January 31 of the next calendar year, only so long as the authorized collector is in full compliance with the requirements of this Article, and any regulations enacted pursuant thereto. Authorized collectors must renew their registration with the Borough no later than January 31 of each year in order to continue collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Borough for the subsequent year. Any person whose registration is received and approved by the Borough Council shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of the Borough of Coplay. Hauler authorizations are not transferable.

At the time of registration, the person shall provide the following information on a form prepared by the Borough.

- 1) The business name, name of a contact person, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons being serviced.
- 2) The make, model, year, and registration number of each truck or vehicle used by the person in the Borough to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste.
- 3) A certificate of the person's workmen's compensation insurance, as required by law.
- 4) A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and person's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Borough by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Article shall carry with it an endorsement to the effect that the insurance carrier will convey to the Borough, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to the Borough at least 10 days prior to the effective date of any such modification, alteration or cancellation.
- 5) Current rate schedule, intended areas of operation in the Borough, by street, the terms of service, and the scheduled days of collection.

- 6) Confirmation the authorized collector provides separate municipal waste, recyclable materials, and leaf /yard waste collection services to customers.
- 7) The name of the disposal facility where municipal waste will be taken for disposal.
- 8) The name of the recycling facility where the recyclable materials will be taken for recycling.
- 9) The name of the state-permitted composting facility where leaf waste will be taken for composting.
- 10) Quarterly reports containing the quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments, multi-family residential establishments, and commercial, institutional, and municipal establishments in the Borough if the person collected municipal waste, recyclable materials, and leaf waste in the Borough at any point in the preceding year. Recyclable material quantities must be reported by material type.
- 11) Such other information as the Borough, in furtherance of this Article, shall deem appropriate and necessary.

Upon receipt and review of this information, the Borough will issue an authorization letter to persons who have satisfied all of the requirements of the Borough's registration program. This authorization letter will establish the person as an authorized collector.

#### **§105. Conditions of registration approval.**

As a condition to the approval of an authorized collector's registration, the authorized collector shall comply with the following:

- 1) **Services Required.** Provide separate collection, removal, and transportation services for municipal waste, recyclable materials, and leaf waste from persons in the Borough with whom the authorized collector provides services.
- 2) **Collection equipment and transportation vehicles.** The collection equipment and transportation vehicles used for the collection, removal, and transportation of municipal waste, recyclable material, and/or leaf waste shall be of the closed metal-body-type. The collected materials shall be enclosed or covered so as to prevent roadside littering, attraction of vermin, or creation of other nuisances. The equipment and vehicles shall be at all times in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of liquids or fluids.

- 3) Establish Preparation Procedures. Authorized collectors must establish procedures for the storage, and collection of municipal waste, recyclable materials, and leaf waste. The Borough and persons serviced must be given adequate notification of these instructions.
- 4) Notification of Violations. Authorized collectors shall notify persons they service if violations to this Article and the Borough of Coplay Recycling Ordinance are observed. Notifications shall be on a form provided by the Borough. Authorized collector shall provide the Borough with a list of the addresses or names of customers receiving a notification within 24-hours of issuance of the notification.
- 5) Authorization to provide services. At all times while in the process of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Borough, a copy of the current, unexpired authorized collector's registration and approval issued by the Borough shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Borough Code Enforcement Officer or his/her designee or to any police officer of the Borough.

**§106. Refusal to grant registration approval; suspension; revocation.**

- 1) The Borough Council shall have the right to refuse to approve or authorize a registration to any authorized collector or person or to revoke or suspend previously approved registration or refuse to renew the same if said person or authorized collector submits incomplete or false information to the Borough or fails to comply with the Borough's registration requirements, any provision of this ordinance, or any regulation adopted hereunder, Act 101, or any other applicable federal, state, or local regulations.
- 2) Refusal to grant registration authorization or suspension or revocation of an authorized collector's registration shall be made in writing by the Borough of Coplay Secretary. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration and provide a limited opportunity for the authorized collector to satisfy the requirements or issues identified.

**§107. Prohibited acts.**

It shall be unlawful and a violation of this Article, and grounds for the suspension or revocation of an authorization, for any authorized collector to:

- 1) Collect or transport municipal waste from persons failing to source separate recyclable materials and leaf waste from municipal waste.
- 2) Commingle or mix source separated recyclable materials or leaf waste collected in the Borough with municipal waste.
- 3) Fail to provide for the proper disposal of any municipal waste collected or transported within the Borough in accordance with this Article and federal and state laws and regulations.

- 4) Fail to recycle recyclable materials and compost leaf waste in accordance with this Article and federal and state laws and regulations.
- 5) Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Borough prior to 7:00 a.m. or after 7:00 p.m.
- 6) Load or operate any vehicle within the Borough or transport municipal waste, recyclable materials, and/or leaf /yard waste within the Borough in such a manner as to allow municipal waste, recyclable materials, and/or leaf /yard waste to fall upon public roads or upon land abutting the public roads in the Borough.
- 7) Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.
- 8) Otherwise create a public nuisance.

**§108. Rules for collection.**

The collection of municipal waste, recyclable materials, and/or leaf/yard waste by authorized collectors shall be made in compliance with this ordinance or any other regulations adopted by the Borough Council to carry out the intent and purpose of this Article. Such rules and regulations shall be approved by resolution of the Borough Council and, when so approved, shall have the same force and effect as the provisions of this Article. Said rules and regulations may be amended, modified or repealed by resolution of the Borough Council.

**§109. Contracting collection services.**

The Borough or its designated agent may enter into one or more agreements at any time with authorized collectors for the collection of municipal waste, recyclable materials, and/or leaf /yard waste from residential, multi-family, commercial, institutional, and/or municipal establishments. Procuring collection services from an authorized collector shall be completed using a public bid process that will permit authorized collectors(s) to exclusively collect all or part of the municipal waste, recyclable materials, and/or leaf /yard waste generated in the Borough.

**§110. Collection fee.**

Fees for the collection of municipal waste and recycling shall be in such amounts and calculated in such manner as may be established from time to time by resolution of the Borough Council.

**§111. Payment of municipal waste fee.**

The above fee shall be designated on the annual municipal waste and recycling bill sent out annually by the Borough. The fee is due on or before May 31 of each year. A discount of 10% will be subtracted from the municipal waste and recycling bill if the collection charges are paid on or before March 31 of the current year. A penalty of 10% will be added to all collection charges paid after May 31 of the current year. Failure to receive a bill will not exempt the owner from the waste

and recycling fee due. The Borough, by resolution, shall set any applicable discount and discount period on an annual basis.

**§112. Collection of delinquent fees.**

The Borough shall collect, by suit or otherwise, all municipal waste fees, interest, court costs, reasonable attorney's fees, fines and penalties due and unpaid in any manner permitted by law. If for any reason any fee is not paid when due, the property owner shall be liable for all costs of collection, including court costs and reasonable attorney's fees.

**§113. Liens.**

Municipal waste fees imposed by this Article shall be a lien on the property serviced by the Borough or the authorized collector contracted by the Borough, and such municipal waste fees which shall be delinquent shall be filed as a lien against the property so serviced which lien shall be filed in the manner provided by law in the office of the Prothonotary of Lehigh County, Pennsylvania and shall be collected in the manner provided by law for collection of municipal claims.

**§114. Violations and penalties.**

- 1) Penalties. Any person who violates any provision of this Article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this Article shall, upon conviction thereof in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$250. Each continuing day of any violation of this Article or unlawful conduct as defined in this Article shall constitute a separate offense punishable by a like fine or penalty.
- 2) Injunction. In addition to any other remedy provided in this Article, the Borough of Coplay may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this Article for an injunction to restrain a violation of this Article or any rules, regulations or resolution promulgated or issued by the Borough Council pursuant to this Article.
- 3) Concurrent remedies. The penalties and remedies prescribed by this Article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Borough from exercising any other remedy provided by this Article or otherwise provided at law or equity.
- 4) Authorized collectors who shall violate any provision of this Article may be reported to the Pennsylvania Department of Environmental Protection by the Borough, and may be subject to the revocation of the commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq.

**§111. Construal.**



The terms and provisions of this Article are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This Article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.

## ARTICLE II: RECYCLING REQUIREMENTS

### §201. Title.

This Article shall be known and may be cited as the “Borough of Coplay Recycling Ordinance.”

### §202. Program established.

There is hereby established a program for collection of recyclable materials in the Borough of Coplay, Lehigh County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in the Borough of Coplay except in accordance with this Article. The use of an authorized collector will not relieve any person from compliance with this Article.

**§203. Definitions.** As used in this Article, the following terms shall have the following meanings:

**Act 101** - The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning Recycling and Waste Reduction Act of 1988.

**Aluminum Cans** - Refers to cans comprised of 100 percent aluminum.

**Authorized Collector** - Person registered and authorized by the Borough of Coplay Borough or Borough of Coplay itself, to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, municipal establishments, and community activities in the Borough of Coplay.

**Bi-Metal Containers** - Empty food or beverage container made of steel with a thin plating of tin over the steel.

**Borough** - Borough of Coplay, Lehigh County, Pennsylvania.

**Corrugated Paper** - A structural paper material with an inner core shaped in rigid parallel furrows and ridges.

**Commercial Establishment** - A building or buildings used or designed for use for commercial purposes, including, but not limited to wholesale, industrial, manufacturing,

transportation, financial or professional services stores, markets, office buildings, restaurants, shopping centers, theaters or other commercial activities.

**Community Activities** - Events sponsored in whole or in part by the Borough of Coplay or conducted within the Borough of Coplay and sponsored privately, which include, but are not limited to fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

**Composting Facility** - A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings.

**Covered Device** - As defined in Act 108, Covered Device Recycling Act, a covered computer device and covered television device marketed and intended for use by a consumer.

**Dwelling Unit** - Room or rooms within a building connected together, constituting a separate independent housekeeping establishment for a single family, for owner occupancy or for rental, lease or other occupancy on a monthly or longer basis.

**Glass Containers** - Empty food and beverage containers, including jars and bottles, made of clear, blue, green, brown, or amber glass; excludes plate glass, window glass, automotive glass, porcelain, ceramic products, and glass ornaments.

**High Grade Office Paper** - Bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper; includes computer paper.

**Industrial Establishment** - Any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

**Institutional Establishment** - An establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

**Leaf/Yard Waste** - Leaves, garden residues, shrubbery, grass clippings, tree trimmings and similar materials.

**Magazine** - A periodical publication containing a collection of articles, stories, photographs, illustrations, and other features usually bound with a paper cover and printed in one or more colors on glossy or chemically coated paper, excluding newsprint and all other paper or fiber materials.

**Mixed Paper** - Recyclable paper materials including paperboard/boxboard, junk mail, and other designated recyclable paper; excludes corrugated paper, magazines, high grade office paper, and newsprint.

**Multi-Family Residential Establishment** - A building or buildings under single or multiple ownership and designed as a residence for four or more families living

independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

**Municipal Establishment** - Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Borough of Coplay, any counties, cities, boroughs, and municipal authorities.

**Municipal Waste** - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., 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 or leaf waste.

**Newsprint** - Paper distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

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

**Plastic Container** - Empty and clean plastic containers that contained food, beverage, cleaning, laundry, and other household products. Includes only rigid containers marked with a recycling symbol and a single number (i.e. 1-7). Examples include soda and water bottles, milk and water jugs, laundry containers, produce and other food containers, and soap bottles; excludes expanded polystyrene containers and plastic containers larger than two-gallons such as buckets and laundry baskets.

**Recyclable Materials** - Those materials specified by the Borough of Coplay for collection in accordance with this Article and recycling regulations that may be promulgated from time to time for separation, collection, processing, and recovery as part of a recycling program. These materials include aluminum cans, bi-metal containers, corrugated paper, glass containers, leaf waste, magazines, mixed paper, newsprint, high grade office paper, and plastic containers.

**Recycling** - The separation, collection, processing, recovery and sale or reuse of recyclable materials, which could otherwise be disposed of or processed as municipal waste.

**Recycling Container** - A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the Borough, property owner, resident or tenant, or the authorized collector. A recycling container must be durable, watertight, and be at least 13-gallons in size and no more than 35-gallons with a label indicating the container is for recyclable materials.

**Recycling Facility** - A facility employing a process that separates or classifies recyclable materials 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 does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**Single-Family Residential Establishment** -An occupied dwelling unit for human habitation, except multi-family residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a "residential establishment."

**Source Separation** - The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

#### **§204. Requirement for collection service.**

Subject to the provisions of Article, all persons in the Borough must arrange with an authorized collector for the separate curbside or similar location collection of recyclable materials and leaf waste. Persons eligible to receive collection service from the Borough must participate in the Borough sponsored recycling program. Persons not eligible to participate in the Borough sponsored recycling program must contract with an authorized collector for the separate collection of recyclable materials and leaf / yard waste.

#### **§205. Single-family residential establishment.**

- 1) Except as otherwise provided herein, all persons owning or occupying single-family residential establishments shall separate recyclable materials designated in this Article from municipal waste. Recyclable materials shall be placed in recycling containers and the recycling containers placed curbside or in another designated location for collection by an authorized collector.
- 2) The following materials must be recycled at single-family residential establishments: aluminum cans, bi-metal containers, corrugated paper, glass containers, high grade office paper, mixed paper, newsprint, plastic containers, and leaf waste.
- 3) Separate collection of recyclable materials shall be provided by the Borough of Coplay. Recyclable materials shall be collected no less than once a week.
- 4) Requirements for collection.
  - a. All recyclable materials must be placed in a recycling container separate from municipal waste. Recycling containers may be provided by the Borough,

authorized collector, property owner, or resident, as allowed by the authorized collector.

- b. Recyclable materials must be prepared to prevent the materials from being blown about or littered on Borough streets or on private property. This may include placement of recyclable materials in recycling containers with latching lids.
  - c. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in recycling containers.
  - d. Containers shall be placed curbside or in another location as designated by an authorized collector for collection. Under no circumstances shall containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
  - e. Containers shall be placed at the curb or in the front yard before 7:00 A.M. prior to the scheduled collection. Containers must be placed at the curb no earlier than 7:00 P.M. the night before collection.
  - f. Recyclable materials must be clean and dry and prepared according to the requirements of the Borough or authorized collector.
- 5) Nothing herein shall be deemed to impair the ownership of recyclable materials by the person who generated them unless and until such materials are placed at the curb or similar location for collection by the authorized collector.

**§206. Multi-family residential establishments.**

- 1) Owners, landlords, or agents of owners or landlords of a multi-family residential establishment must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this Article that are generated at multi-family residential establishments. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each multi-family residential establishment. The system must also include written instructions to the residents of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Borough reserves the right to require additional recycling containers if the Borough deems there is insufficient recycling containers to serve residents.
- 2) The following materials are required to be recycled by multi-family establishments at a minimum: aluminum cans, bi-metal containers, corrugated paper, glass containers, high grade office paper, mixed paper, newsprint, plastic containers, and leaf waste.
- 3) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must arrange with an authorized collector for the separate collection, transportation, and recycling of recyclable materials.

- 4) No person shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 5) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the authorized collector, but shall occur no less than once a week. More frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Borough streets and on private property.
- 6) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Borough that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the quantity of each type of recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Borough and shall be submitted annually, 30 days after the close of each calendar year.
- 7) Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of residents.

**§207. Commercial, institutional, and municipal establishments.**

- 1) Owners, landlords, or agents of owners or landlords of a commercial, institutional, or municipal establishment must establish a system for source-separation, collection, transportation, and recycling of recyclable materials designated in this Article that are generated at each building. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each building. It must also include written instructions to the tenants or occupants of commercial, institutional, and municipal establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Borough reserves the right to require additional recycling containers if the Borough deems there is insufficient containers to serve occupants or tenants.
- 2) At a minimum, the following materials are required to be recycled in commercial, institutional, and municipal establishments: high-grade office paper, corrugated paper, aluminum cans, and leaf waste.
- 3) Owners, landlords, or agents of owners or landlords of a commercial, institutional, and municipal establishments must arrange with an authorized collector for the separate collection, transportation, and recycling of recyclable materials.
- 4) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.

- 5) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized collector, but shall occur no less than once a week. More frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Borough streets and private property.
- 6) The owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment must provide a written report to the Borough that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the total quantity of each type of recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Borough and shall be submitted annually, 30 days after the close of each calendar year.

**§208. Community activities.**

- 1) The organizers or sponsors of a community activity must establish a system for source separation, collection, transportation, and recycling of aluminum cans, plastic containers, glass containers, corrugated paper, high grade office paper, and leaf waste. Arrangements for the source-separation and collection of these materials shall be the responsibility of the organizers or sponsors.
- 2) The organizers or sponsors of a community activity must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated. Community activity organizers and sponsors must provide signage and/or labels on recycling containers to indicate what recyclable materials are to be source-separated by event participants.
- 3) Organizers or sponsors must arrange with an authorized collector for the collection of recyclable materials.
- 4) Organizers or sponsors of a community activity must provide a written report to the Borough that lists the name of the community activity, the authorized collector collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted to the Borough no later than 30 days upon the conclusion of the event.

**§209. Leaf waste.**

- 1) It is prohibited and will be deemed a violation hereof for any person in the Borough to put or cause to be put leaf waste with municipal waste or recyclable materials. Leaf waste shall be source separated from municipal waste and recyclable materials generated on any property in the Borough and stored in a separate open container until collection.

- 2) Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
- 3) All persons in the Borough shall arrange to have leaf waste collected curbside or similar location by an authorized collector separate from municipal waste and recyclable materials at a frequency of no less than once per month.
- 4) The owner, landlord, or agent of an owner or landlord of a multi-family residential, commercial, institutional, or municipal establishment must provide a written report to the Borough that lists the authorized collector collecting leaf waste, the name and address of the property that leaf waste is collected, the total quantity of leaf waste collected, the name of the composting facility authorized by the State to receive collected leaf waste, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Borough and shall be submitted annually, 30 days after the close of each calendar year.

**§210. Household hazardous waste, electronic waste, and lead-acid batteries.**

- 1) It shall be unlawful for any person to commingle hazardous or residual waste, as defined in Act 101, with municipal waste, recyclable materials, and/or leaf waste or to discard or otherwise dispose of hazardous or residual waste except by disposition in compliance with applicable state and federal laws and regulations. For specific material recycling and disposal requirements, refer to Lehigh County Solid Waste Management or Pennsylvania Department of Environmental Protection guidelines.
- 2) It shall be unlawful for any person to commingle a lead acid battery with municipal waste, recyclable materials, and/or leaf waste or to discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary smelter permitted by the U.S. Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of Pennsylvania.
- 3) In accordance with Act 108, the Covered Device Act, no person may dispose of a Covered Device or any of its components with municipal waste. This type of waste requires special collection and disposal arrangements. Information on how to recycle Covered Devices may be obtained by the Pennsylvania Department of Environmental Protection.
- 4) Large and small appliances containing Freon may not be combined with municipal waste. These appliances contain chlorofluorocarbons and Freon that must be removed by a certified professional, and these should be taken to a Freon-certified handler. Freon-containing appliances may include refrigerators, freezers, air conditioning units, dehumidifiers, and water coolers.

**§211. Prohibitions.**

- 1) Collection by unauthorized persons. From the time of recyclable material placement at the curb or other designated location, it shall be a violation of this Article for any person



unauthorized by the Borough to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.

- 2) Burning of recyclable materials and leaf waste. The burning of recyclable materials and leaf waste shall be prohibited at all times in the Borough.
- 3) Littering/illegal dumping. It is unlawful for any person in the Borough to dump or deposit recyclable materials, leaf waste, municipal waste, or any other refuse on any private or public property or grounds in the Borough.
- 4) Overfilling containers. Containers of recyclable materials, leaf waste, municipal waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
- 5) Storing/stockpiling materials. All persons in the Borough are prohibited from storing, processing, or disposing of municipal waste, recyclable materials, and leaf waste on a property except at a facility or in preparation for the collection by an authorized collector as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
- 6) Public nuisance. It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this Article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Borough Council pursuant to this Article.

#### **§212. Ownership of recyclable materials.**

Nothing in this Article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of recyclable materials by the persons who generated them unless and until separated materials are placed at curbside or similar location and collected by an authorized collector.

#### **§213. Rules and regulations.**

The collection of municipal waste, recyclable materials, and leaf waste by authorized collectors and the preparation of municipal waste, recyclable materials, and leaf waste by property owners and residents of the Borough shall be made in compliance with any regulations that may be adopted by the Borough Council to carry out the intent and purpose of this Article. Such rules and regulations shall be approved by resolution of the Borough Council and, when so approved, shall have the same force and effect as the provisions of this Article. Said rules and regulations may be amended, modified or repealed by resolution of the Borough Council.

#### **§214. Enforcement and penalties.**

- 1) Penalties. Any person who violates any provision of this Article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this Article shall, upon conviction thereof in a summary proceeding before a Magisterial

District Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$50. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this Article that is violated shall also constitute a separate offense.

- 2) Injunction. In addition to any other remedy provided in this Article, the Borough of Coplay may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this Article for an injunction to restrain a violation of this Article or any rules, regulations or resolution promulgated or issued by the Borough Council pursuant to this Article.
- 3) Concurrent remedies. The penalties and remedies prescribed by this Article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Borough from exercising any other remedy provided by this Article or otherwise provided at law or equity.

**§215. Construal.**

The terms and provisions of this ordinance are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This Article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.”

**SECTION 2. SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

**SECTION 3. REPEALER**

All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

**SECTION 4. EFFECTIVE**

This Ordinance shall become effective five (5) days from the date of its adoption.

ENACTED AND ORDAINED this 14th day of September, 2021.

ATTEST:

**BOROUGH COUNCIL  
BOROUGH OF COPLAY**

By: Kimberly Bachman  
Kimberly Bachman, Borough Secretary

By: Louis L. Bodish  
Louis L. Bodish, Council President

AND NOW, to wit, this 14th day of September, 2021 the above is approved  
by the Mayor.

Dean Molitoris  
Dean Molitoris, Mayor