

**Article III — Collection and Disposition of
Collectible Municipal Waste**

§ 67-301	Municipal Collection Program.....	67-10
§ 67-302	Receptacles.....	67-10
	(a) In General.	67-10
	(b) Initial Rules.....	67-11
§ 67-303	Amount of Waste to be Collected.....	67-11
§ 67-304	Refusal to Collect Waste.	67-12
§ 67-305	Permits for Private Disposal of Collectible Municipal Waste.	67-12
§ 67-306	Disposal Facilities.....	67-13

Article III — Collection and Disposition of Collectible Municipal Waste

§ 67-301 Municipal Collection Program.

Except as provided in § 67-305, all collectible municipal waste generated or present within the Borough shall be collected, transported, and disposed of by the Borough or its Contractor. All persons within the Borough of Alburty shall dispose of collectible municipal waste by the municipal collection service only.

§ 67-302 Receptacles.

(a) **In General.** All collectible municipal waste placed for collection by the Borough or its Contractor, other than riff-raff, shall be placed in bags, garbage cans, or other receptacles, which comply with all applicable regulations promulgated hereunder. Without limitation, such regulations may include requirements relating to size, weight, materials, and closure. In addi-

tion, Borough Council may require, by Resolution, that any or all collectible municipal waste, other than riff-raff, be placed for collection in special bags or other receptacles sold or supplied by the Borough or its agents, and/or that any or all receptacles and/or riff-raff placed for the collection of municipal waste bear a special tag, sticker, or similar device, sold or supplied by the Borough or its agents. These special receptacles or devices may be required to assist in implementing a "per bag" fee program, to accommodate any handling, collection, transportation, or disposition concerns, to reduce the costs of collection, transportation, or disposition, or to accomplish any other proper purpose related to the municipal waste collection program.

(b) Initial Rules. Until changed by regulations authorized under this Chapter, the following rules apply to collectible municipal waste placed for collection by the Borough or its Contractor:

(1) Except for riff-raff and bundles of construction and demolition debris described in § 67-219(h)(3), all collectible municipal waste must be placed for collection in one or more of the following containers:

(A) a plastic sack (plastic garbage bag) which is designed to store solid waste, has sufficient wall strength to maintain physical integrity when lifted by the top, and does not weigh more than thirty-five (35) pounds, including the contents, and which is securely tied or otherwise closed to prevent any materials from escaping;

(B) a receptacle (garbage can) with a capacity less than thirty-five (35) gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight fitting lid capable of preventing entrance into the container by vectors and spillage, leakage, or other discharge from the container of any of its contents, which is securely in place, having a mouth whose diameter is equal to or greater than that of the base, and which does not weigh more than sixty (60) pounds, including the contents. The receptacle itself shall not be collected from the property;

(C) a dumpster of a type and size reasonably acceptable to the Borough or its Contractor, and actually accepted by the Borough or its Contractor. Any such dumpster shall be kept in good repair, appearance, and in a sanitary condition at all times, and such that neither objectionable odors, noxious gasses, nor putrescent liquid shall escape therefrom.

(2) Collectible municipal waste for a given property must be placed for collection on the property or an abutting public right-of-way (but not within a street cartway or in any fashion which blocks the use of a sidewalk), and at a point which is no more than ten (10) feet from a public street or alley curb line and is accessible to the Borough or its Contractor at ground level.

(3) Notwithstanding paragraph (2), if a dumpster is utilized for the collection of collectible municipal waste, the dumpster may be placed in any location accessible by and acceptable to the Borough or its Contractor, and which is not otherwise prohibited under any applicable statute, regulation, rule, ordinance, resolution, ruling, order, decision, decree, deed, lease, contract, deed restriction, recorded plan, or other legally-binding limitation.

§ 67-303 Amount of Waste to be Collected.

Borough Council may establish, by Resolution or by the terms of a contract with a Contractor under § 67-601, the maximum amount and/or types of collectible municipal waste which

will be collected by the Borough or its Contractor from any given property, over the course of a year and/or at any particular collection, in consideration for the payment of any specific fee established under § 67-701. The Borough or its Contractor will collect all of the collectible municipal waste generated or present on that property upon the payment of proper fees, but may refuse, at any time, to collect any collectible municipal waste which is in excess of the maximum amount for which a fee has been paid and/or of a different type than that for which a fee has been paid.

§ 67-304 Refusal to Collect Waste.

The Borough or its Contractor may refuse, at any time, to collect any collectible municipal waste if that waste is presented in such a way as to violate any of the provisions of this Chapter and/or the regulations promulgated hereunder. The refusal of the Borough or its Contractor to collect any collectible municipal waste from any particular property at any particular time, whether under this section or under § 67-303, shall in no manner relieve the property owner or the person generating the waste from his/her/its obligations under this Chapter, including, without limitation, his/her/its obligations to dispose of all collectible municipal waste through the municipal collection system, to not allow any accumulations of refuse other than for the purpose of collection in a timely manner, and to not permit or engage in any actions or inactions prohibited under Article VIII.

§ 67-305 Permits for Private Disposal of Collectible Municipal Waste.

If a property owner has compelling reasons (other than purely financial) for desiring to dispose of any or all of his/her/its collectible municipal waste by a means other than the municipal collection system, he/she/it may apply for a permit from Borough Council for this privilege. Borough Council shall only grant such a permit if it finds that the reasons advanced are truly compelling and that the property owner's proposed method of collection, transportation, and disposal is acceptable, considering the Borough's obligations and potential liability with respect to municipal waste under applicable state and/or federal law. At a minimum, the property owner shall provide proof to Borough Council that all necessary licenses have been obtained and that capacity is available for the property owner in a permitted disposal facility. The decision to grant or deny a permit under this section shall be purely discretionary on the part of Borough Council, and may be conditioned in any relevant manner. No permit shall be for a period in excess of one (1) year, and all permits may be revoked or suspended at any time for cause. (The Borough Manager is hereby authorized to suspend any such permit for cause in exigent circumstances until the next regularly scheduled meeting of Borough Council.) Borough Council may, by Resolution, establish an application fee and/or a permit fee to cover the Borough's reasonable expenses in reviewing permit applications and/or administering permits under this section. All or part of the fees established under § 67-701 *may* be waived by Borough Council, in its absolute discretion, as one of the terms of the permit, *but only* if and to the extent that the costs to the Borough of operating the municipal collection system are expected to be reduced as a result of the diversion of collectible municipal waste in accordance with the permit.

§ 67-306 Disposal Facilities.

All collectible municipal waste generated, collected, and transported from within the jurisdictional limits of the Borough shall be disposed of in accordance with all applicable provisions of law, including the then-applicable Solid Waste Management Plan of the County of Lehigh. (If any person believes that any provision of law, regulation, or the Solid Waste Management Plan is unenforceable, he shall nonetheless comply with such provision until a final order is entered declaring the provision unenforceable, except during any period for which temporary relief from the enforcement of the provision is granted by a court of appropriate jurisdiction.) No such collectible municipal waste may be transported to or disposed of in any disposal facility without the prior written approval of that disposal facility by the Borough (which approval will not be unreasonably withheld).