

BILL NO. 3 - 2018

An Ordinance amending and reorganizing Part 3 of Title 9 of the Codified Ordinances of the City of Harrisburg, entitled the "Municipal Waste and Recycling Code," to reflect enhancements to the City's collection and management of solid waste, recyclable and composting materials; to improve efficiencies in the collection of residential municipal waste fees by instituting annual billing; to provide a discount period; to identify prohibited acts which constitute violations of this Code; and to strengthen enforcement of this Code by authorizing the use of Enforcement Officer(s), and establishing fines and penalties for violations of this Code.

Chapter 9-301 GENERAL PROVISIONS

§ 9-301.1. Title.

This Part 3 of Title 9 shall be known and may be cited as the "Municipal Waste, Recycling, and Composting Code" of the City of Harrisburg.

§ 9-301.2. Definitions.

The following terms shall have the meanings given herein for the purposes of this Part 3. Other terms not defined in this Part may be found in §1-301.3, Statutory Construction, and §1-302.1, Glossary of Terms.

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended.

ASH — The residue from the burning of wood, coal, coke, and other combustible materials for residential heating.

BULK ITEM — A large household item that shall be considered municipal waste but cannot fit into a municipal waste receptacle for collection. This includes, but shall not be limited to: file cabinets, chairs, tables, desks, sofas, box springs, mattresses, and entertainment units.

CARDBOARD — All corrugated or other cardboard normally used for packing, mailing, shipping, or containerizing goods, merchandise or other material, but excluding plastic-, foam- or wax-coated or soiled cardboard.

CART — The receptacle used by residential households for the express purpose of storing municipal waste or recycling for collection by the City or its agent(s).

COMMERCIAL — Any structure or part of a structure within the City used for commercial purposes or not used solely as a residential property. This includes, but

shall not be limited to: businesses, apartment buildings with five or more individual domiciles, and structures that are partially residential and partially nonresidential.

COMPOSTING MATERIAL — Materials that are biodegradable and can be source-separated to be converted into a valuable soil additive/fertilizer. Leaves, tree trimmings, and other yard waste are examples of composting material.

CONSTRUCTION AND DEMOLITION WASTE (C&D WASTE) — Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to: wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term does not include the following if they are separate from other waste and are used as clean fill:

1. Uncontaminated soil, rock, stone, gravel, brick and block, concrete and used asphalt.
2. Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

COUNTY — The County of Dauphin, Commonwealth of Pennsylvania.

COUNTY PLAN — The Solid Waste Management Plan for Dauphin County as approved by the Pennsylvania Department of Environmental Protection.

DIRECTOR DPW — The Director of the Department of Public Works of the City of Harrisburg.

DISPOSAL FACILITY — The municipal waste disposal facility designated to receive municipal waste generated within the City.

DUMPSTER — The receptacle used by commercial premises for the express purpose of storing municipal waste or recycling for collection by the City or its agent(s).

ELECTRONIC WASTE — Any electrical or electronic devices or equipment to be discarded; also referred to as e-waste.

ENFORCEMENT OFFICER — The employee or agent of the City vested with the authority of a law enforcement officer and whose duties primarily involve the enforcement of the Municipal Waste, Recycling, and Composting Code and its corresponding rules and regulations.

GLASS, BOTTLES, AND JARS — All glass (clear and colored) food and/or beverage containers.

HAZARDOUS WASTE — Any material or substance which, by reason of its composition or characteristics:

- A. Is toxic or hazardous waste, as defined in any applicable law; the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.; or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as the same may be amended, replaced or superseded, and any regulations, orders, guidelines and policies implementing the same;
- B. Constitutes material regulated by the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., as the same may be amended, replaced or superseded, and any regulations, orders, guidelines and policies implementing the same;
- C. Constitutes materials within the meaning of the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., as the same may be amended, replaced or superseded, and any regulations, orders, guidelines and policies implementing the same; or
- D. Under any other law of similar purpose or effect, or under regulations and policies implementing same, is not permitted to be processed at the disposal facility.

HOUSEHOLD HAZARDOUS WASTE (HHW) — Waste that would be considered hazardous waste under the Pennsylvania Solid Waste Management Act of 1980 (“Act 97”) but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under Act 97 and is generated by persons not otherwise covered as hazardous waste generators by Act 97. Household hazardous waste is unacceptable waste for purposes of disposal in the City of Harrisburg.

IMPROVED PROPERTY — Any property upon which is located a building, mobile trailer unit or other structure, whether or not attached to the land. Parking lots with surface material construction, including crushed stone, concrete and asphalt, for the purpose of providing an area for the off-street parking of vehicles, shall be considered to be an improved property; provided, however, that land upon which no structures are located other than surface materials, and which is not used for any purpose, shall not be deemed to be improved property.

MEDICAL WASTE — Regulated medical waste and potentially infectious waste materials, which includes laboratory, dialysis or biological waste; waste generated in the diagnosis, treatment, or immunization of people or animals; human pathological waste; blood, cultures, needles, scalpel blades; contaminated animal carcasses; waste which may have come in contact with infectious agents; and materials contaminated with blood, including wearing apparel, bedding or other items from homes or other places where highly infectious or contagious diseases have occurred.

METAL CAN — A container, comprised of aluminum, tin, steel, or other metal, or a combination thereof, which formerly contained only non-aerosol edible substances. The term includes, but shall not be limited to cans which once contained such items as vegetables, meats, fruits, or juices. The term shall not include aerosol cans, cans containing hazardous cleaning substances, automotive supply cans (e.g., transmission fluids, motor oils, etc.), and other similar containers.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office

waste, and other material, including solid, liquid, semisolid or contained gaseous material, resulting from the 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. Commonly known as trash or garbage, municipal waste consists of everyday items such as product packaging, furniture, clothing, waste glass, food scraps, and alkaline batteries. The term does not include C&D Waste, source-separated recyclable materials, paint, hazardous waste, household hazardous waste, waste treatment plant and sewage treatment plant sludge or residual waste.

OFFICE PAPER — High grade paper items typically generated by offices and/or commercial entities. This includes, but shall not be limited to: copier paper, letterhead paper, note pad paper, and other similar office paper that is white or pastel in color.

OPEN BURNING — A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PICKUP POINT — A location(s) designated by the Director DPW where recyclables are to be placed for collection.

PRIVATE HAULER — Any person, other than the City, or other governmental entity, who collects and disposes of municipal waste, recycling, or composting generated in the City.

PROHIBITED MATERIALS — Any item that is not acceptable material to be processed through the means in which it has been disposed.

RECYCLABLE MATERIAL — A material, which would otherwise become municipal waste, which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING — The process by which materials, which would otherwise become solid waste, are collected, separated or processed for the purpose of being returned to the economic mainstream in the form of raw materials or products.

RECYCLING BARREL — A receptacle used for the express purpose of storing recyclables for collection by the City or its agent(s).

RESIDENTIAL PROPERTY — Any structure in the City used or designed to be used as a residential dwelling space.

RESIDUAL WASTE — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from

industrial mining or agricultural operations or any sludge from an industrial, mining or agricultural water supply treatment facility, waste water 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. 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.

SCRAP METAL — Any appliances or furniture made primarily out of metal, such as stoves, water heaters, clothes washers, clothes dryers, and file cabinets, or materials left over from product manufacturing and consumption or parts of vehicles, building supplies, and surplus materials, that are primarily comprised of metal and suitable for reprocessing.

SINGLE-STREAM RECYCLING — Household recycling material that can go into the recycling barrel for curbside collection.

SOURCE-SEPARATE — To separate materials from the municipal waste stream at the point of waste generation to be collected and processed accordingly.

UNACCEPTABLE WASTE — Unacceptable waste includes the following:

- A. Any material that by reason of its composition, characteristics, or quantity is ineligible for disposal at any County Designated Facility pursuant to the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., and the regulations thereunder, or any other applicable law, rule, or regulation, (including but not limited to the following laws and regulations, if any, promulgated under each: the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.; the Hazardous Sites Cleanup Act, Act 108, enacted October 18, 1988; and any similar or substituted legislation or regulations or amendments to the foregoing, as well as any laws coextensive with the foregoing);
- B. Any other materials that any governmental agency or unit having appropriate jurisdiction has determined to be ineligible for disposal at any County Designated Facility;
- C. Any waste that a County Designated Facility is precluded from accepting pursuant to an existing permit governing that facility;
- D. Hazardous waste and household hazardous waste;
- E. Residual waste;
- F. Special handling municipal solid waste, including but not limited to, friable asbestos waste, sludge, infectious/pathological waste, and chemotherapeutic waste;
- G. An individual truckload of municipal waste which contains white goods (e.g., refrigerators, freezers, washers, dryers, dishwashers, air conditioners, stoves, ranges and any similar appliances) in quantity and/or whole tires in quantity; or

H. Any other materials that present an endangerment to a County Designated Facility or the public health and safety, including truckloads of leaf and yard waste.

VACANT PROPERTY — Any building (whether commercial or residential), structure, lot, or parcel of land which is not legally occupied or inhabited. A reasonable person standard shall be used in determining whether a property is vacant. Some indicators that a property is vacant include but are not limited to:

1. lack of human activity, furnishings, or equipment inside the building or structure;
2. accumulated mail, newspapers, circulars, shut-off notices;
3. lack of utility services (water, electricity, natural gas);
4. broken or boarded-up windows or doors.

Vacant property shall include any building, structure, lot, or parcel of land where no municipal waste has been generated for collection for at least 90 consecutive days.

Vacant property shall not include property that is unoccupied and undergoing construction, renovation, or rehabilitation in compliance with applicable legislation, regulations, codes, and ordinances.

WASTE GLASS – Light bulbs, window glass, mirrors, laminated glass (car windows), and wired or tempered glass. Waste glass is municipal waste.

YARD WASTE — Includes leaves, grass clippings, tree trimmings, brush, chipped shrubbery, and garden residue.

YARD WASTE FACILITY — A drop-off point or area designated by the City where leaves, tree trimmings, brush and garden residue, and if designated, grass clippings, can be collected for processing.

§ 9-301.3. Source-Separating.

The City reserves the right to and retains the option, at its discretion, to designate certain materials for source-separation; to require deposit of such materials into separate receptacles; to prescribe the method of disposal; and to direct other related activities as determined necessary. All residents and businesses within the City of Harrisburg shall participate in the process of source-separating. The City finds that the reduction in the amount of municipal waste and the conservation of recyclable and compostable materials is an important public concern and is necessary to implement the requirements of Pennsylvania Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, and the Solid Waste Management Plan for Dauphin County, as approved by the Pennsylvania Department of Environmental Protection. The separation of materials for recycling and composting from residential and commercial establishments in this City will minimize potential adverse environmental effects of landfilling by reducing the need for additional landfills and conserving existing landfill capacity; facilitate the implementation and operation of other forms of resource recovery called for by the county plan; conserve natural resources; and reduce the cost of municipal waste disposal generally.

§ 9-301.4. Authority.

Sanitation services shall be supervised by the Director DPW. Authority is hereby conferred upon the Director DPW to promulgate rules and regulations concerning the days of collection, pickup points, routes, and the type of receptacle and conveyance as is found reasonably suited to the prompt, effective and efficient collection of municipal waste in the City, and to promulgate rules and regulations with respect to those other specific matters for which such authority is herein granted, and to change and modify any and all such rules and regulations from time to time in the manner provided by law, provided that such rules and regulations shall not be inconsistent with the provisions herewith.

Chapter 9-303
MUNICIPAL WASTE

§ 9-303.1. Designation of Municipal Waste.

Designated items for collection and disposal as municipal waste pursuant to this Chapter shall be determined by the rules and regulations promulgated by the Director DPW. The City reserves the right and retains the option at its discretion to add or remove an item or items from its designation list at any time upon notification of the public.

§ 9-303.2. Municipal Waste Collection.

A. General Provisions. Collection of municipal waste shall be under the direction of the Director DPW. Authority is conferred upon the Director DPW to promulgate rules and regulations concerning the days of collection, pickup points, routes, and the type of receptacle and conveyance.

B. Curbside Collection. It shall be the responsibility of the City or its agents to make periodic curbside collections of reasonable accumulations of municipal waste from residential and commercial properties. Municipal waste shall be collected by the City or its agents at times pursuant to a schedule designated by the Director DPW and promulgated in the rules and regulations.

C. Existing Contracts. Nothing contained in this Section, Chapter or Code shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the City on the effective date of this Code. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing, or purchase of municipal waste or recyclables shall be entered into after the effective date of this Chapter, unless such renewal or such contract shall conform to the requirements of this Chapter.

D. Owners of commercial properties may apply for a waiver from the Director DPW to collect municipal waste based on the amount and type of municipal waste to be collected. Approved private haulers shall be in compliance with the rules and regulations promulgated by the Director DPW. Individual agreements may be entered into between private

haulers and the owners of commercial properties who have been granted a waiver for the time period provided in the waiver, and the fees and charges therefor shall be determined solely by private agreement between the parties. Private haulers collecting municipal waste generated within the City shall dispose of such waste in accordance with and under the provisions of Chapter 9-303.3. All vehicles utilized by private haulers under this Section shall be equipped with a tight cover and shall be so operated as to prevent offensive odors escaping therefrom or any refuse from being blown, dropped or spilled therefrom within the City.

E. Municipal Waste Receptacles.

Municipal waste receptacles, including carts, dumpsters, and compactors, shall comply with the rules and regulations promulgated by the Director DPW and shall be maintained in good condition. Any receptacle which does not conform to the provisions of this Chapter, or which may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced.

F. Points of Collection.

All carts, dumpsters, and compactors shall be placed together at the same location on each property and be easily accessible to the street, alley or walkway from which collection is made, in compliance with the rules and regulations promulgated by the Director DPW. In cases in which a property owner is unable to comply with the foregoing requirements of this Section due to age or continuing illness or physical handicap, the same shall be reported promptly to the Director DPW, and special arrangements for collection shall be made to accommodate such property owner without additional charge where possible. If special arrangements cannot be made without unusual expense to the City, the Director DPW shall establish a reasonable additional charge for such special arrangements and shall publish a schedule of such additional charges as may be applicable to the different types of special arrangements which may be needed from time to time.

G. Placement of Bulk Items.

Each residential property is permitted to place one bulk item per week at the point of collection, provided that such item is not otherwise prohibited from municipal waste collection and such item is of a size that can be handled by the persons responsible for waste collection. If such item cannot be collected by the persons responsible for waste collection, the person(s) who placed such item must remove it within 24 hours. Any bulk item(s) placed for collection in excess of the allowable one per week per residential property will be collected for disposal, and the residential property will be charged accordingly for such service.

§ 9-303.3. Municipal Waste Disposal.

All municipal waste produced, collected, and transported from within the jurisdictional limits of the City shall be disposed of at a licensed and approved disposal facility in accordance with the Dauphin County Solid Waste Plan, and in compliance with all Department of Environmental Protection regulations and with any other applicable local, state or federal statute or rules and regulations. The designated facility for disposal of all

municipal waste produced, collected and transported from within the jurisdictional limits of the City shall be the Susquehanna Resource Management Complex (formerly known as the Harrisburg Incinerator) which is currently owned and managed by Lancaster County Solid Waste Management Authority (“LCSWMA”).

§ 9-303.4. Rates for Municipal Waste Services.

A. General Provisions. All persons receiving municipal waste services by the City or its agent(s) under this Chapter, as defined by the rules and regulations promulgated by the Director DPW, are subject to the rates in this Section.

B. Collection Rates. The collection rates for each property, or part of a property, within the City shall be related to the kind, quality, and quantity of municipal waste to be collected from such property, as set forth below:

(1) Residential property utilizing carts: \$156 per year; \$13 monthly per cart for once a week collection of up to 95 gallons of municipal waste not weighing in excess of 160 lbs.

(2) Commercial. The collection rates for each property, or part of a property, utilized for commercial purposes within the City shall be set forth in rules and regulations promulgated by the Director DPW related to the kind, quality, and quantity of municipal waste to be collected from such property, provided that such rates shall not be less than \$411 per year; \$34.25 monthly for once a week collection of up to 95 gallons of municipal waste not weighing in excess of 160 lbs.

(3) Dumpsters. The collection rates for dumpsters, whether located on property classified as residential or commercial, shall be at the rates as set forth in Appendix, Chapter 9, of the Codified Ordinances. The City, through the Director of DPW, shall set the collection rates for individual customers whose dumpsters, due to size of dumpster(s) or compaction of waste, do not fit within the rate schedule set forth in the Appendix.

C. Disposal Rates. In addition to the rates for collection of municipal waste by the City, there is imposed upon each property within the City a refuse ready-to-serve and use of facilities charge for the disposal of municipal waste delivered by the City to the disposal facility, pursuant to the following:

(1) Residential dwelling units of four units or less: \$232.08 per year per cart; \$19.34 monthly for once a week disposal of up to 95 gallons of municipal waste not weighing in excess of 160 lbs.

(2) Commercial properties: a charge for each person using a structure or part of a structure for a separate nonresidential use or for residential use within a single property containing five or more separate living units at the rates set forth in Appendix, Chapter 9, of the Codified Ordinances. The City, through the Director of DPW, shall set the disposal rates for individual customers whose municipal waste is collected in dumpsters

which, due to size of dumpster(s) or compaction of waste, do not fit within the rate schedule set forth in the Appendix.

(3) The charges imposed for disposal of municipal waste in the City shall be imposed upon the owners of all improved property within the City, except for improved property used exclusively as an accessory use, such as a garage, constructed within 60 feet of the property line of the single-family residence for which it is an accessory use, provided that the accessory use is not occupied, rented or used for any commercial or residential purpose.

D. Billing and Payments.

Billing and payments for municipal waste services under this Chapter shall be made as follows:

(1) An annual fee for residential municipal waste services (including collection and disposal fees) shall be charged and separately stated on the same bill as the annual real estate tax, which is mailed to all residential property owners each year.

(2) Full payment of the annual fee for municipal waste services is due by 120 days of the mailing date of the annual bill. Payment after 120 days will result in a 10 percent (10 %) penalty on the entire municipal waste services annual bill.

(3) Residential property owners who pay the annual fee for municipal waste services in full within 60 days of the mailing date of the annual bill shall receive a 2 percent (2%) discount.

(4) Residential property owners can make a specific request to receive a monthly bill for municipal waste services (including collection and disposal fees) instead of receiving an annual bill. Penalties for delinquent payment of monthly municipal waste services fees are as otherwise stated in the Codified Ordinances of the City of Harrisburg.

(5) The owner of vacant property shall not be responsible for the payment of the annual disposal and collection fees for municipal waste services. The Director DPW or the Director's designee(s) shall be responsible for determining whether a property is vacant for purposes of this Chapter.

(6) Commercial property owners will be billed for municipal waste services (disposal and collection fees) on a monthly basis.

§ 9-303.4. Collection Procedures for unpaid, delinquent Municipal Waste Services

A. General Provisions. Pursuant to 11 Pa.C.S. § 12409 (e)(2) of the Third Class City Code, delinquent payment of municipal waste services rates and other charges shall be collected pursuant to the Municipal Claim and Tax Lien Law, 53 P.S. § 7101, et seq., or by civil action.

B. Liens. Rates imposed under this Chapter shall be a lien on the properties served from the date the charge first becomes due and payable. In addition to all other rights of the City, if such charges are not paid, the City may file such liens and collect same in the manner provided by law for the filing and collection of municipal liens and claims and may proceed to collect such charges by an action in assumpsit in the name of the City against the owner of the property charged.

Chapter 9-305 RECYCLING

§ 9-305.1 Designation of Recyclable Materials.

Designated recyclables for the recycling program established pursuant to this Chapter shall be determined by the rules and regulations promulgated by the Director DPW. The City reserves the right to add or remove an item or items from its designated list at any time upon notification of the public.

§ 9-305.2 Recycling Collection.

A. General Provisions. All commercial, municipal or institutional establishments are required to source-separate all designated recyclable materials and to provide for transportation of those designated recyclable materials, either through the City or its agents or a private hauler. The Director DPW or a designee shall be responsible for all aspects of a recycling program in the City of Harrisburg, including the preparation of all necessary plans for recyclable materials and the coordination of those plans with local, state and federal agencies. Authority is conferred upon the Director DPW to promulgate rules and regulations as are necessary to implement and carry out the intent of this Chapter. All collection of recycling under this Chapter shall be done in accordance with the rules and regulations.

B. Curbside Collection. It shall be the responsibility of the City or its agents to make periodic curbside collections of reasonable accumulations of recycling from residential and commercial properties. A reasonable accumulation of recycling shall be such accumulation as can be conveniently collected and handled by the persons responsible for the periodic collection of recycling material. Recycling shall be collected by the City or its agents at times pursuant to a plan and schedule designated by the Director DPW in the promulgated rules and regulations.

C. Recycling Receptacles.

Recycling receptacles, including barrels, carts, and dumpsters, shall comply with the rules and regulations promulgated by the Director DPW and shall be maintained in good condition by the owner or occupier of the premises. Any receptacle which does not conform to the provisions of this Chapter, or which may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced.

D. Collection of Recyclables

Collection of recyclables in the City of Harrisburg shall be under the direction of the Director DPW. Authority is conferred upon the Director DPW to promulgate rules and regulations concerning the days of collection, pickup points, routes, and the type of receptacle and conveyance. The schedule shall direct recyclables to be collected on a regularly scheduled weekly pickup.

E. Existing Contracts. Nothing contained in this Section, Chapter or Code shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the City on the effective date of this Code. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing, or purchase of municipal waste or recyclables shall be entered into after the effective date of this Chapter, unless such renewal of such contract shall conform to the requirements of this Chapter.

F. Private Haulers. If a commercial, municipal or institutional establishment utilizes a private hauler to transport the designated recyclable materials, such establishment which hired the private hauler is required to provide annual written documentation as to the type and weight of materials recycled during the preceding 12 months. Reports are due to the City in a form provided by the City no later than March 1 of each year.

§ 9-305.3 Recycling Disposal.

A. General Provisions. Disposal of recycling shall be under the direction of the Director DPW. Authority is conferred upon the Director DPW to promulgate rules and regulations concerning the days of operation, receiving hours, type of receptacle and conveyance, and the designation of acceptable and unacceptable recycling material. The Director DPW shall promulgate rules and regulations with respect to those other specific matters for which such authority is herein granted, and to change and modify any and all such rules and regulations from time to time in the manner provided by law, provided that such rules and regulations shall not be inconsistent with the provisions herewith.

B. Existing Contracts. Nothing contained in this Section, Chapter or Code shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the City on the effective date of this Code. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing, or purchase of municipal waste or recyclables shall be entered into after the effective date of this Chapter, unless such renewal of such contract shall conform to the requirements of this Chapter.

C. Other Means of Disposal. Notwithstanding anything herein to the contrary, any resident of the City may donate or sell any recyclable to any other person, whether operating for a profit or not for profit; provided, however, that the person receiving the recyclable shall not under any circumstances collect the donated or sold material from the curbside without prior written permission from the City for such collection.

D. Open Burning Prohibited. No person shall cause or allow the open burning of recyclable material as well as leaf waste (including leaves, garden residues, shrubbery and tree trimmings) in the City.

§ 9-305.4 Rates for Recycling.

The City's curbside recycling program is free to City residents and commercial businesses. Participation in the recycling program is mandatory.

Chapter 9-307
COMPOSTING

§ 9-307.1 Composting Materials.

Designated composting materials for the composting program established pursuant to this Chapter shall be determined by the rules and regulations promulgated by the Director DPW.

§ 9-307.2 Composting Collection.

A. General Provisions. Collection of composting materials shall be under the direction of the Director DPW. Authority is conferred upon the Director DPW to promulgate rules and regulations concerning the days of collection, pickup points, routes, and the type of receptacle and conveyance.

B. Curbside Collection. Composting shall be collected by the City or its agents at times pursuant to a schedule designated by the Director DPW and promulgated in the rules and regulations.

§ 9-307.3 Composting Disposal.

A. General Provisions. Disposal of composting materials shall be under the direction of the Director DPW. Authority is conferred upon the Director DPW to promulgate rules and regulations concerning the days of operation, receiving hours, and type of receptacle and conveyance. The Director DPW shall promulgate rules and regulations with respect to those other specific matters for which such authority is herein granted, and to change and modify any and all such rules and regulations from time to time in the manner provided by law, provided that such rules and regulations shall not be inconsistent with the provisions herewith.

B. Existing Contracts. Nothing contained in this Section, Chapter or Code shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the City on the effective date of this Code. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing, or purchase of municipal waste or composting materials shall be entered into after the effective date of this Chapter, unless such renewal or such

contract shall conform to the requirements of this Chapter.

§ 9-307.4 Rates for Composting.

The City's composting program is free to City residents and commercial businesses. Participation in the composting program is mandatory.

Chapter 9-309

PROHIBITED ACTS AND VIOLATIONS

§ 9-309.1 General Provisions.

Any and all acts prohibited by this Chapter shall constitute a violation of the Municipal Waste, Recycling, and Composting Code subject to the enforcement and penalties prescribed in Chapter 9-311. Penalties for Category 1 violations of this Chapter are found in § 9-311.4 (B). Penalties for Category 2 violations of this Chapter in the absence of deterrence are found in § 9-311.4 (C). Nothing set forth in this Chapter shall limit the pursuit of other appropriate actions or proceedings at law or in equity available to the City.

§ 9-309.2 Illegal Dumping.

No person shall throw, drop, deposit or dump within City limits any waste on public or private property that is not licensed through the Pennsylvania Department of Environmental Protection to receive municipal waste. No person shall throw, drop, deposit or otherwise disburse any municipal waste in any stream or other body of water in the City. A violation of this provision shall constitute a Category 1 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(B).

§ 9-309.3 Improper Waste Disposal.

Under no circumstances shall construction and demolition waste, hazardous waste, electronic waste, or tires be placed in municipal waste receptacles for regular municipal waste collection. A person may not use another person's receptacles without permission, or place refuse in front of a premises other than the building in which he resides or works. A violation of this provision involving construction and demolition waste or hazardous waste shall constitute a Category 1 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(B). A violation of this provision involving electronic waste or tires shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C). Municipal waste which is not bagged and placed in the cart shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C).

§ 9-309.4 Excessive Accumulation.

It shall be unlawful for any person to accumulate any waste in the City in quantities which exceed those which can be regularly and conveniently collected as provided by the promulgated rules and regulations. A violation of this provision shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty

pursuant to § 9-311.4(C). Accumulations of waste over 1,000 lbs. shall constitute a Category 1 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(B).

§ 9-309.5. Failure to source-separate.

It shall be unlawful for any person to fail to source-separate materials by placing or causing to be placed any material other than a designated material in a receptacle. Under no circumstances shall unacceptable or prohibited materials be placed in a municipal waste or recycling receptacle for collection. A violation of this provision shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C).

§ 9-309.6 Sidewalk or Street Obstruction.

It shall be unlawful to obstruct any sidewalk or street with any refuse or waste receptacle. All sidewalk areas and streets must be kept free from obstruction that could impede pedestrian or vehicle traffic. A violation of this provision shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C).

§ 9-309.7 Failure to Comply.

Failure to comply with any requirement or provision of the Municipal Waste, Recycling, and Composting Code or its related rules and regulations shall constitute a violation of the Municipal Waste, Recycling, and Composting Code and be subject to enforcement and penalties is in violation of this provision and shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C).

§ 9-309.8 Interference with Enforcement.

Any person hindering, obstructing, preventing, or interfering with the City or its personnel or permitted contractor(s) in the performance of any duty under this Code or in the enforcement of this Chapter is in violation of this provision and shall constitute a Category 2 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C).

§ 9-309.9 Failure to Register as a Hauler.

All haulers of municipal waste must apply for, receive, and properly display a decal or other identifying label from the City showing that they are registered to dump municipal waste at the Susquehanna Resource Management Complex. All haulers must also obtain a mercantile license from the City of Harrisburg. Failure to register to dump within the City limits shall constitute a Category 1 violation; an offense subject to a non-traffic citation and penalty pursuant to § 9-311.4(B). Failure to register to obtain a mercantile license shall constitute a Category 2 violation; an offense subject to a non-traffic citation and penalty pursuant to § 9-311.4(C).

Chapter 9-311
ENFORCEMENT AND PENALTIES

§ 9-311.1 Applicability.

Any person who violates any provision of the Municipal Waste, Recycling, and Composting Code shall be subject to the provisions of this Chapter. Nothing set forth in this Chapter shall limit the pursuit of other appropriate actions or proceedings at law or in equity available to the City.

§ 9-311.2 Enforcement Authority.

A. Authorized enforcement officials. The Director DPW, or any other City employee, agent, or official designated by the Director DPW as an Enforcement Officer shall act in the capacity of a law enforcement officer for the limited purpose of issuing non-traffic summary citations to owners of premises, tenants, or persons who are found in violation of any provisions of the Municipal Waste, Recycling, and Composting Code. An Enforcement Officer may patrol all public and public accessible areas at any time and issue citations for any violation of this Code. In addition, all law enforcement officers with authority and jurisdiction within the municipal boundaries of the City of Harrisburg shall be deemed invested with the power to enforce the provisions of this Code.

B. Method of Enforcement. Enforcement of the provisions of Chapter 9-309 shall be by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under Chapter 4 of the Pennsylvania Rules of Criminal Procedure and the Pennsylvania Judicial Code.

§ 9-311.3 Issuance of Citation.

Whenever the Enforcement Officer or other law enforcement finds that any person has violated or is violating any provisions of the Chapters to which these enforcement provisions apply, any permit issued thereunder, or any applicable federal, state or local regulation, the Enforcement Officer or other law enforcement shall serve or cause to be served upon such person a written citation stating the nature of the violation. The Enforcement Officer shall follow the citation procedures provided for the enforcement of summary offenses under Chapter 4 of the Pennsylvania Rules of Criminal Procedure and the Pennsylvania Judicial Code.

§ 9-311.4 Penalties.

A. General Provisions. The imposition of a penalty for any violation of this Chapter shall not excuse the violation and shall not constitute permission or grant of right to continue the violation. All persons required to do so shall correct and remedy any violation or defect within the time prescribed by the rules and regulations. When not otherwise specified, each day that a violation continues shall constitute a separate offense. Nothing set forth in this Chapter shall be construed to negate or preclude any additional liability, punishment, enforcement action, remedy, fines, or penalties or limit the pursuit of other appropriate actions or proceedings at law or in equity available.

B. Category 1 Violation. A violation subject to penalty under this provision shall be punishable by a fine of \$1,000, plus costs, or imprisoned for not more than 90 days, or both.

C. Category 2 Violation. A violation subject to penalty under this provision shall be punishable as follows:

1. \$100, plus costs, for the first offense;
2. \$250, plus costs, for the second offense;
3. \$500, plus costs, for the third offense and all subsequent offenses.

D. Cost of clean-up. Violators of 9.309.2 (Illegal Dumping) and 9-309.4 (Excessive Accumulation) shall be responsible for the cost of cleaning up the waste. An assessment of clean up costs will be made based on the following schedule:

1. \$190 per ton of municipal waste
2. \$75 per vehicle used for clean-up
3. \$50 per person cleaning up municipal waste
4. \$25 for fuel per hour and per vehicle used in cleaning up municipal waste

E. Additional Fee. In addition to any fines, fees or penalties imposed in accordance with this chapter, an additional neighborhood mitigation penalty shall be imposed in the amount of \$25. All neighborhood mitigation penalties imposed and collected by any division of the Unified Judicial System existing under Section 1 of Article V of the Constitution of Pennsylvania and 42 Pa.C.S.A. § 301 shall be remitted to the City for deposit into the Neighborhood Mitigation Fund for the purpose of funding mitigation exercises performed by the City on private properties, including but not limited to demolitions, cleanups, clean and seals and light repairs. If the fine is paid on installments, the proportionate amount of the neighborhood mitigation penalty shall be remitted on each installment.