

BILL NO. 62 -2011

AN ORDINANCE

AMENDING CHAPTER 20, SOLID WASTE, OF THE CODIFIED ORDINANCES OF THE CITY OF READING BY AMENDING THE LANGUAGE REGARDING STORAGE BY RESIDENTIAL AND MULTI-FAMILY UNITS OF FOUR OR FEWER UNITS.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

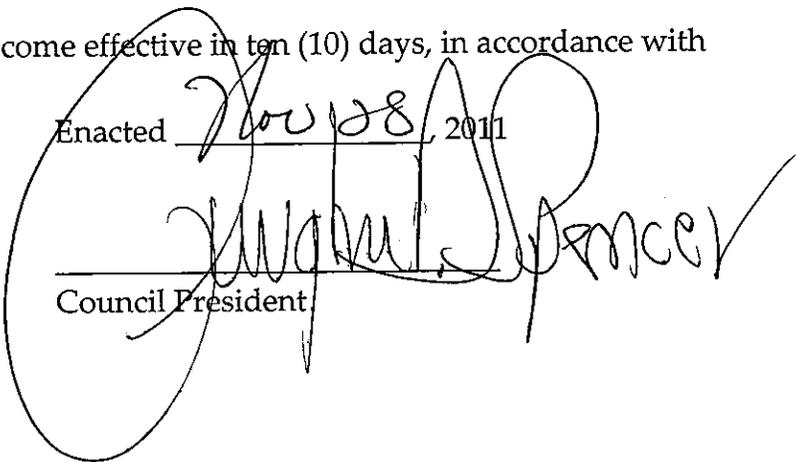
**SECTION 1:** Amending Chapter 20 Solid Waste of the Codified Ordinances Section 102. Authorization of Recycling Collection #3, A (3), §20-104. Collection Requirements #1 A and #2 to allow for placement of all containers after 6p.m. the day before pick up and removal of all containers by daybreak of the day after pickup per Exhibit A as attached hereto.

**SECTION 2:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

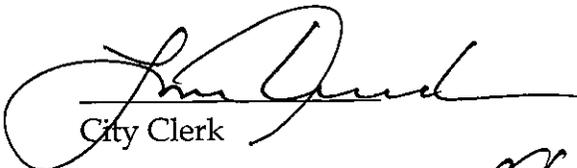
**SECTION 3:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted Nov 28, 2011

  
Council President

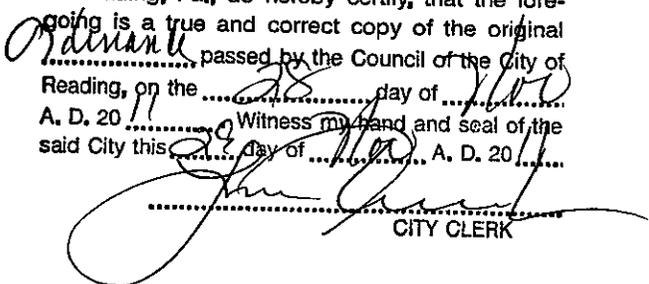
Attest:

  
City Clerk

Submitted to Mayor: 

Date: 11-29-11

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 28 day of Nov A. D. 20 11. Witness my hand and seal of the said City this 29 day of Nov A. D. 20 11.

  
CITY CLERK

Received by the Mayor's Office: AS

Date: 11-29-11

Approved by Mayor: ~~AS~~ JS

Date: 11/29/11

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT A

## PART 1 SOLID WASTE

### §20-101. Definitions.

The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

**APPLICANT** - a person desirous of being authorized as a "licensed hauler" as that term is defined in this Part.

**BULKY WASTE** - discarded large items such as mattresses, furniture and similar household items.

**CITY** - the City of Reading, Berks County, Pennsylvania.

**CONSTRUCTION/DEMOLITION WASTE** - solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to wood, plaster, metals, asphalt substances, bricks, block and un-segregated concrete.

**CONTRACTOR** - a person, or entity of any type providing recyclable material collection and transportation services under contract with the City.

**COLLECTION VEHICLE** - a vehicle which is used for hauling recyclables, garbage, trash, refuse or any other waste matter generated by residential, commercial, industrial use, or institutional properties, whether for a fee or not.

**COMMINGLED** - source separated, non-putrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

**COMMERCIAL ESTABLISHMENT** - any establishment engaged in a nonmanufacturing or nonprocessing business, including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

**CURBSIDE COLLECTION** - a method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside.

**DISPOSAL** - the incineration, disposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

**DWELLING UNIT** - one or more rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof, including mobile homes or house trailers.

**GARBAGE** - all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

**HAULER** - any person, licensed or unlicensed, who collects, transports or disposes of recyclables, solid waste or refuse.

**HAZARDOUS WASTE** - any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

(1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

**ILLEGAL DUMPING** - the dumping of any materials at a site, location, tract of land, area, building, structure or premise which is not permitted to be used for the disposal of solid waste, refuse or recyclables.

**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** - any establishment engaged in service to persons including, but not limited to hospitals, nursing homes, orphanages, schools, nonprofit organizations, churches and universities.

**LANDLORD** - the owner of developed property, or his authorized agent.

**LEACHATE** - a liquid that has permeated through or drained from solid waste.

**LICENSED HAULER** - a person licensed by the Commonwealth of Pennsylvania and/or the City to collect, haul, transport and dispose of municipal waste and recyclables.

**MIXED PAPER** - newspaper, cardboard, junk mail, file folders, construction paper, paperback books, phone books, tablet paper, copy paper, wrapping paper, magazines, catalogues and gift boxes.

**MULTI-FAMILY DWELLINGS** - any building under one roof which contains two or more complete dwelling units.

**MUNICIPAL WASTE** - any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and which are not classified as residual waste or hazardous waste as herein defined. The term does not include source separated recyclable materials or organic waste.

**ORGANIC WASTE** - leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials.

**PACKER TRUCK** - a motor-driven vehicle having enclosed steel bodies with steel covers and watertight and nonleakable automatic compaction-type bodies.

**PERSON** -any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

**RECYCLABLE MATERIALS** -those recyclable materials specified by the City for separate collection in accordance with this Part. Such materials may include, but not limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

**REFUSE** - the collective term applying to all garbage, ashes, leaves and grass trimmings from residential, municipal, commercial or institutional premises.

**RESIDENTIAL** - any dwelling unit used as a place of human habitation and which is not used for a commercial, municipal, institutional or a community purpose.

**RESIDUAL WASTE** - any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations.

**RESTITUTION** - the act of giving an equivalent for loss, damage, etc. Restitution shall include all costs incurred by the City in abating the violation, for which the property owner was previously cited under this ordinance, including but not limited to the following: labor, equipment, materials, disposal costs and administrative costs incurred by the City for overseeing such services.

**ROOMING UNIT** - any room or groups of rooms forming a single habitable unit used or intended to be used for living and sleeping only.

**SOLID WASTE** - any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**STORAGE** - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of three months constitutes disposal.

20-102. Authorization of Recycling Collection.

1. **Contracts for Collection; Authority.** The City shall contract for the curbside collection, removal, transportation and marketing of recyclable materials from single family dwellings and multi-family dwellings with four or fewer residential units.
2. **Private Collection Responsibility.** It shall be the responsibility of the owner/operator of residential, commercial, industrial and institutional properties, and multi-family dwellings, with five or more residential units, to provide, at their own expense, for the storage, collection and disposal of all recyclables from their properties. Such storage, collection and disposal shall be carried out in such a manner as to avoid the creation of a public nuisance. Only a licensed hauler shall collect, transport or dispose of municipal waste, refuse or recyclables.
3. **Separation of Recyclables.** Recyclables shall be kept separate from and marketed or processed separately from municipal solid waste.
  - A. Owners and occupants of all residential properties of four or fewer units shall keep separate the following recyclables: clear, brown and green glass containers, all types of plastic bottles, aluminum and tin cans and mixed paper.
    - (1) Mixed paper shall be placed in easy-to-manage bundles not to exceed 12 inches in height and kept dry. All recyclables except mixed paper may be mixed together and placed in the recycling container provided by the City or any other solid container which, when full, shall not exceed 50 pounds.
    - (2) All recyclables for collection shall be set out at curbside.
    - (3) All recycling containers shall be placed curbside directly in front of the eligible entity, no earlier than ~~8:30~~ 6:00 p.m. the day before the scheduled collection and shall be removed from the public right-of-way by ~~8:00 pm~~ the day of scheduled collection daybreak of the day after pick-up. Recycling collection begins at 6:30 a.m. Containers must be removed by daybreak of the day after pick-up.

B. Owners and occupants of all multi-family residential properties containing five or more residential units shall keep separate the following recyclables: clear, brown and green glass containers, all types of plastic bottles, aluminum and tin cans and mixed paper.

C. Owners and occupants of all commercial, municipal body and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: aluminum cans, corrugated paper and high-grade office paper.

(1) All recyclables which are required to be kept separate from multi-family housing properties containing five or more units, commercial and institutional establishments and properties and community activities shall either be delivered directly to a recycling center or shall be picked up by a licensed hauler. Commercial, institutional establishments, community activities and multi-family housing properties containing five or more units, shall not place recyclables within the public right-of-way for curbside collection and shall be placed at an area agreed to by the collector and owner of said property for collection.

D. From the time of placement for collection of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator or the licensed hauler who has contracted to provide collection. It shall be a violation of this Part for any person, other than a licensed hauler, to collect or pick up or cause to be collected or picked up any such designated recyclable materials.

#### **§20-103. Recycling Service Fee.**

1. There is hereby imposed upon the owners of all residential properties of four or fewer units, an annual recycling fee. The annual service fee shall be as determined by ordinance.

2. The Director of Public Works shall submit an annual report no later than October 1st to City Council detailing projected expenses and revenues for the upcoming calendar year and recommend a service fee to cover all costs associated with the recycling program.

3. The annual recycling fee shall be mailed to owners of all eligible properties in June of each year. An owner, who pays the fee in full, within 30 days of billing, shall receive a \$5 discount on each unit. All bills are due on the last day of each year. Any payment not received by December 31 of each year shall be assessed a 10% penalty. In addition thereto, any costs or fees incurred in conjunction with the collection of any such delinquencies shall be the responsibility of, and paid by, the owner(s) or operator of the property.

A. Discount for Certain Senior Citizens from Payment of the Recycling Service Fee. All bona fide residents of the City of Reading who are 65 years of age or over shall be entitled to a 50% reduction in their annual recycling service fee for their principal place of residence provided that:

- (1). Such residential unit is owned and occupied by claimant.
- (2). A request for discount shall be filed with the Department of Public Works on such form as prescribed by that Department for such purpose.
- (3). The total household income from all sources does not exceed \$17,000.
- (4). The Department of Public Works may require such evidence or information as it deems necessary or appropriate in determining eligibility for exoneration in accordance with this Section.
- (5). Any information gained by any official, agent or employee of the City, as a result of any claim, investigations, or hearings required or authorized by this Part shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this Part or as otherwise provided by law.
- (6). False or untrue statements shall be a violation of this Part and shall be subject to the penalties for violation of this Part as further set forth herein.

#### **§20-104. Collection Requirements.**

1. The City of Reading is authorized to award a contract for collection, removal, transportation and disposal of municipal

solid waste which is generated from single family residential dwellings and multifamily residential dwellings with four(4) or fewer residential units. Said contract may be for a term not exceeding 5 years.

A. **Placement of Municipal Waste.** Only such persons participating in the City contracted solid waste collection system may place their municipal waste at the designated set-out location for collection by said contractor after 6 pm the day before collection and must remove all containers by daybreak of the day after pickup. Any article found within a municipal waste container or garbage bag, intended to be collected by the City contractor, displaying the name and/or address of another person and/or address, that container or bag shall be presumed to be the property of such persons and shall be cited in accordance with all applicable Sections of this Part.

**B. Exemptions.**

- (1) **Commercial and Institutional Establishments.** Municipal waste generated by commercial or institutional establishments shall not be eligible for City contract collection.
- (2) **Large Residential Complex.** Where on a single, undivided tract of land under common ownership there is a building or buildings containing a total of five or more dwelling units, such apartment complex shall not be included for municipal waste collection by the authorized City contractor, unless formerly requested and approved by the City of Reading.

**C. Fee Imposed.**

- (1) There is hereby imposed upon the owner of each dwelling unit mandated to participate in the City contracted program an annual municipal waste collection and disposal service fee. For the year 1999 this fee shall be prorated on a monthly basis. Said fee shall also be prorated on a monthly basis for those property owners being added to the program mid year. Such fee shall be reviewed on a yearly basis beginning in 2002 and approved by ordinance. Only costs directly associated with solid waste collection and disposal shall be included in such service fee.

- (2) The Director of Public Works shall submit an annual report by October 1st to City Council detailing projected expenses and revenues for the upcoming year and recommend a service fee to cover all costs associated with solid waste collection and disposal.
- (3) The annual fee shall be paid 60 days prior to the beginning of the service year. An owner, who pays the fee in full, within 30 days of billing, shall receive a 5% discount. Any payment not received by the 60th day shall be assessed a 10% penalty. In addition thereto, any costs or fees incurred in conjunction with the collection of any such delinquencies shall be the responsibility of, and paid by, the owner(s) or operator of the property. The annual fee for those property owners requesting to be included in the program must be paid prior to the start of service.

**2. Private Collection and Disposal Responsibility.** It shall be the sole responsibility of the owner/operator of all commercial industrial, institutional and residential properties not listed in subsection (1) above to contract with a licensed hauler, at their own expense, for the storage, collection and disposal of all municipal waste from their properties. Such storage, collection and disposal shall be carried out in such a manner as to avoid the creation of a public nuisance. Rear alley collection shall be required where possible, unless being serviced under existing contract. Only a licensed hauler shall collect, transport or dispose of municipal waste from within the City of Reading. Municipal waste may be placed at the designated area after 6 pm the day before collection and must remove all containers by daybreak of the day after pickup.

**3. Required Collection and Hours of Collection.**

- A. No person other than a licensed hauler, owning a minimum of one packer truck, shall contract to collect or remove municipal waste from any property within the City of Reading.
- B. Nothing in this Section shall impair the ability of the City to provide a system for removal and public collection of organic waste.
- C. Haulers shall make a good faith effort to refrain from accepting, picking up or removing any bag or other container of municipal waste which is known to, or is

believed to, contain recyclables required to be separated. Upon discovery of such recyclables combined with municipal solid waste at curbside or otherwise placed for pick-up, the hauler shall affix a tag or sticker provided by the City to the container.

- D. All licensed haulers shall, at least annually, remove bulky waste from customers at their request or refer their customers to a licensed hauler for such items.
- E. All municipal waste, bulky waste and recyclables shall only be collected between the hours of 6:30 a.m. and 8:00 p.m. Monday through Friday; 6:30 am and 11:30 a.m. on Saturdays. No collection shall be permitted on Sundays. All collections shall occur at rear alley locations where possible. Trash collection will be restricted to a certain day, within designated areas of the City, as directed by the Administration.
- F. No hauler shall collect municipal waste, refuse or recyclables between the hours of 7:30 a.m. to 9:00 a.m. and again between the hours of 4:00 p.m. and 5:30 p.m. on the following streets:

- (1) Schuylkill Avenue.
- (2) N. 4th Street south of Buttonwood.
- (3) N. 5th Street south of Buttonwood.
- (4) Perkiomen Avenue.
- (5) Buttonwood St. west of 4th Street.
- (6) Washington Street.
- (7) Walnut Street.
- (8) Penn Street.
- (9) Mineral Spring Road.

#### **4. Transportation.**

Any hauler transporting municipal waste, refuse and recyclables shall prevent and remedy any spillage from their vehicles or containers used in the transport of such solid waste.

- A. Vehicles or containers shall not be overfilled, and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Vehicles shall be so constructed, loaded and driven as to prevent any portion of the load from falling out upon any street, highway or property.

(1) Municipal waste shall be collected in a motor-driven vehicle having enclosed steel bodies with steel covers and watertight, non-leakable automatic compaction-type bodies.

(2) Recyclables are permitted to be collected in pick-ups trucks which are completely covered during transportation and parking with a cover that meets the following requirements. The cover shall:

(a) Be waterproof type construction.

(b) Be securely fastened.

(c) Be in direct contact with and able to restrain and/or retain any material being transported.

**5. Transfer of Waste.** The transfer of solid waste from one collection vehicle to another is prohibited within the City of Reading.

**6. Removal by Hauler.** Licensed hauler shall return the municipal waste or recycling receptacle to the premises from which it had been removed. Hauler shall also gather, collect and remove, immediately or within 4 hours of notification by the Department of Community Development, Property Improvement Division, all solid waste which, by accident or otherwise, may have been placed or has fallen on the sidewalk, street or highway by such hauler.

**7. Service Complaints.** All complaints regarding the collection of recyclables or solid waste shall initially be reported to the licensed hauler. Said complaint shall be given prompt, courteous attention by the hauler. Any complaint which the licensed hauler fails to resolve shall be reported to the City in writing.

**8. Reporting Responsibility.**

**A. Municipal Waste.** It shall be the responsibility of the owner/operator of residential, commercial, industrial or institutional properties and multifamily dwellings to annually submit to the Department of Public Works evidence of a current agreement/contract with a licensed hauler including the collector's name, address and telephone number. This information shall also include the days and

times of collection. The Department of Public Works must be notified in writing within 24 hours of such changes.

**B. Recycling.** The landlord or authorized agent of every multi-family housing property, commercial, institutional establishment and sponsor of a community activity not included in the City's curbside recycling program shall receive a form designated recycling report to be provided by the City, which shall indicate where the property's recyclables were delivered. The recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted yearly to the City. The Landlord is only responsible for submitting yearly reports and weight slips in the event no hauler is contracted to provide the service of removing the recyclables from the property. Otherwise it shall be the responsibility of such hauler to submit yearly reports and weight slips for the property. Each such yearly report shall be submitted on or before February 15 of each year, for the preceding year.

**9. Public Litter Baskets.** The City is hereby authorized to collect solid waste from City property, to provide public litter baskets on sidewalks in the City and to dispose of such waste in either a receptacle of a licensed hauler or at a designated disposal site.

#### **§20-105. Authorization of Collectors.**

**1. Authorization Required.** It shall be unlawful for any person, other than such persons as are duly authorized by the Department of Community Development, to collect or transport municipal waste, refuse or recyclables of any nature within or from the City of Reading. Authorization shall be given only as set forth below. Residents may transport designated organic waste generated from their property to a City designated facility only, without obtaining a license from the City of Reading.

**2. License; Application; Term.** Authorization to collect, transport and dispose of municipal waste, refuse or recyclable materials may be given only by the Department of Community Development, through the issuance of a license. All applicants for licensing shall be reviewed by the Department

of Community Development and shall be approved in accordance with the following:

- A. Municipal waste or recycling collection licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this Part. The City reserves the right to deny any application for license.
- B. Applicants for a municipal waste or recycling collection license must furnish the following information at the time of application:
  - (1) The number of vehicles, the make, model, license plate number, vehicle identification number and size of the vehicle to be used for collection and transportation.
  - (2) Side color photograph of all vehicles to be licensed.
  - (3) A valid City of Reading business privilege tax license.
  - (4) Proof of valid Pennsylvania vehicle registration, proof of proper insurance coverage, as required in this Part, for the vehicle, a current Commonwealth of Pennsylvania inspection sticker and proof of valid drivers license of appropriate class, for each person who will drive said vehicles.
  - (5) Proof that said hauler is using a disposal site that has a valid Pennsylvania Department of Environmental Protection permit to accept the municipal waste being hauled. This proof shall consist of:
    - (a) A written contract or affidavit from a disposal site allowing said hauler to dump at the specific site on a regular basis.
    - (b) A series of no less than one receipt for each month consistent with the number of customers serviced from the previous year.

This information shall be confidential and shall be used only for official City purposes in enforcing this Part. When requested by the Department of Community Development, a hauler shall present proof of using a disposal site that meets the above standards, which

proof shall be dated no more than 10 days prior to the date of the request.

- (6) The location, address, and telephone number of the business office of the applicant.
- (7) A certificate of the applicant's workmen's compensation insurance as required by law.
- (8) Haulers shall furnish the City with a certificate of insurance evidencing insurance coverage in coverage limits as determined by the Risk and Safety Office of the City of Reading. The coverage shall include the City as notifiable party.
  - (a) Comprehensive general liability form including premises - operations.
  - (b) Comprehensive automobile liability covering owned hired and non-owned vehicles.
  - (c) Excess/umbrella liability, as necessary, to meet the required limits of coverage.
  - (d) Worker's compensation and employer's liability insurance as required to comply with the laws of the Commonwealth of Pennsylvania.
  - (e) Minimum limits shall be as determined by the City Risk and Safety Office.
- (9) Report from the landfills used with clarification from hauler documenting the total amount by weight of municipal waste collected from customers each year within the City of Reading.
- (10) Report from the recycling center or processing center documenting the total amount by weight of recyclables collected, each year, from customers, not included in the City of Readings curbside program.
- (11) The hauler shall deliver to the City of Reading, Department of Community Development, at least 15 days prior to the anniversary date of the license, a certified list of customers and service addresses, in the electronic format provided by the City. This

information shall be confidential and shall be used only for the purposes of enforcing this ordinance.

**3. Miscellaneous Requirements for Licenses.**

- A. The licensed hauler shall notify the Department of Public Works, within 10 days, by either e-mail or fax when any agreement/contract for the collection and disposal of municipal waste is started, terminated or collection services have been inactive for a period of two weeks. This list shall become and remain the property of the City of Reading. This information shall be confidential and shall be used only for official City purposes in enforcing the laws of the City of Reading.
- B. The licensed hauler shall have no prior conviction of this or previous collection ordinances. If there is pending legal action on a violation of this or any prior ordinance, the Department of Community Development, will revoke the hauler's license upon conviction of said violation.
- C. The licensed hauler shall not employ or subcontract any person or entity that was previously a licensed hauler and who has had a hauler's license revoked or denied.
- D. The license year for such license shall extend from June 1st to May 31st.

- 4. Fees.** Every applicant for a license to collect, transport, process or dispose of municipal waste, bulky waste and/or recyclables in the City shall pay to the City an annual fee in accordance with the following schedule:

| <u>Type License</u>           | <u>Fee</u> |
|-------------------------------|------------|
| Recycling Truck               | \$ 50.00   |
| Municipal Waste Truck         | \$ 200.00  |
| Roll-off Truck                |            |
| Construction/Demolition Waste | \$ 200.00  |

In addition to the above annual licensing fee, a quarterly fee of fifty cents per municipal waste customer will be charged to the licensed municipal waste hauler. This fee will be based on the customer lists supplied to the City, by the licensed hauler.

The license fees shall not be prorated. These fees shall be submitted with each application for a license

**5. License Required; Exceptions.** No person or entity shall collect or transport municipal waste, construction/demolition waste or recyclables unless they have first obtained a license for each vehicle from the Department of Community Development. No fees shall be required for vehicles owned, leased or operated by the City of Reading, its agents or designated authorities for the purpose of hauling or disposing of trash or recycling, but a license is required.

**6. Certification of Vehicles.**

A. All vehicles, used in the collection or transporting of municipal waste, construction/demolition waste or recyclables within the City limits or engaged in the removal of municipal waste, construction/demolition waste or recyclables from within the City, shall be subject to the approval of the Department of Community Development. All such vehicles shall be kept in good running order and shall be constructed so that:

B. All municipal waste or refuse must be collected in motor-driven vehicles having enclosed steel bodies with steel covers and watertight, non-leakable automatic compaction-type bodies. Pickup trucks shall only be permitted to collect and transport construction/demolition waste and/or recyclables; Roll-off type vehicles shall be permitted to transport municipal waste, construction/demolition waste and recyclables.

(1) Collection vehicles shall not exceed all overall height of 13 ½ feet; at the highest point.

(2) Collection vehicles shall be of a reasonably safe type, without attachments, appendages, or other conditions which could constitute a safety hazard as solely determined by the Department of Community Development. Conditions shall be deemed to be unsafe if they could cause injury or damage to any person, object or property, due to its projection from normal dimensions of the vehicle.

(3) With regard to open trucks, to be used only for construction/demolition waste and/or recycling, the body

thereof shall not have an interior height dimension of more than 8 feet; truck beds shall be constructed so that the contents cannot fall from them or be subject to spilling and the cover shall:

(a) Be of waterproof construction.

(b) Be secured properly such that nothing shall be strewn from the vehicle either while in motion or while stationary.

(4) Collection vehicles shall be constructed and maintained to prevent littering, ingress and egress of vectors, odors and other nuisances.

(5) Collection vehicles shall be equipped with a fire extinguisher with a current inspection, as approved by the Department of Community Development.

**7. Labeling; Numbering; Inspection of Collection Vehicles.** All vehicles used in the collection or transportation of solid waste shall bear a sign that meets the following requirements:

A. The sign shall include the name and business address of any person or entity that owns the vehicle.

(1) The name shall be the actual and commonly recognized name of the name of the person or entity being licensed.

(2) The address shall include the city, state, five digit zip code and telephone number for the principal place of business for the person or entity being licensed.

(3) Any other letter, inscription, work, symbol, figure, marking, whether permanent or temporary are prohibited.

B. The sign shall include the specific type of solid waste transported by the vehicle:

(1) Municipal waste shall be designated "municipal waste."

(2) Recyclables shall be designated "recyclable waste."

(3) Residual waste shall be designated "residual waste."

C. The sign shall have identifying letters a minimum of 6 inches in height. The lettering shall be placed on the roll-off box, body of vehicle or trailer. The required information shall be clearly visible and easily readable.

D. All vehicles shall always be kept clean and well maintained so as not to create a public nuisance or present in any way a threat to the public health and safety and shall at all times be subject to rigid inspection by any police officer or any authorized agent of the City. Additionally, all vehicles shall be kept free of graffiti.

**8. License Stickers Issuance, Display.** License sticker shall be permanently affixed by the Department of Community Development, in a conspicuous place, upon every vehicle used in the collection, transportation of solid waste and recyclables.

**9. License Denial/Revocation.** The City may revoke or deny a license at anytime for just cause. Beginning on the effective date of this Part, the following shall constitute just cause for denial or revocation of license:

A. The hauler's license has previously been revoked or suspended;

B. The hauler has been found in violation of any waste collection laws, ordinances and/or regulations of the Federal, State or local government, including but not limited to any ordinances of the City, the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act or any regulation of the Pennsylvania Department of Environmental Protection relating to the environment and to solid waste, and convicted of any such violation in Berks County, Pennsylvania.

- C. The hauler has any unsatisfied judgments filed against it in any court resulting from claims by any customers in Berks County, Pennsylvania.
- D. The hauler has failed to fulfill any of his duties as a licensed hauler or has violated any of the requirements set forth herein for licensed haulers.
- E. If the hauler fails to update their customer lists, within 10 days of such change, as per the manner specified in section 20-105.3, submit any required reports or documentation or submits inaccurate or incorrect documentation or makes any misrepresentation on documents submitted to any department or office of the City.
- F. Expiration or cancellation of any insurance coverage required under this Part.
- G. Conviction for illegal dumping anywhere within the United States.
- H. Delinquent City of Reading business privilege tax or any other City of Reading taxes.

**10. Notice of Revocation or Denial.** Any person or entity whose license has been revoked or denied shall be notified in writing by the City. Said notice shall be deemed properly served under this Part if served:

- A. Personally upon any owner, principal or officer by any employee of the City.
- B. Sent via registered United States mail to the address appearing on the license application on which the action was taken.
- C. Sent via certified United States mail to the address appearing on the license application on which the action was taken.
- D. For any service under subsections (2) and (3) of this Section, a return receipt shall not be required to prove service was made provided that the notice was sent to the address appearing on the application on which action was taken. For purposes of this Part, said service of notice by mail shall [be] deemed to

have been completed and effective when deposited in the United States mail.

**11. Appeals; Hearing Boards.**

A. Any person or entity aggrieved by the City's revocation or denial of a license may file an appeal within 10 days of the date of the written notice of such action. The appeal shall be written on a form prescribed and provided by the Department of Community Development and shall be filed with the Property Improvement Division of the Department of Community Development.

B. Any appeal filed hereunder shall be given a hearing before City Council to determine whether a violation did occur. The hearing shall be scheduled by Council and the party appealing shall be provided with a minimum of 10 days written notice of the hearing.

C. City Council shall have the following authority:

(1) Hear appeals from any aggrieved party by the application of this Part including but not limited to ally order or decision made or issued by the City.

(2) To make rules with regard to conducting its hearings.

(3) To make such findings of fact as may be required by the application of this Part.

(4) Render decisions on appeals.

**12. Applicability of Regulations.** The municipal waste or recycling licensee or any person or persons engaged in the collection and removal of solid waste and all householders, firms, corporation, co partnership, fruit and produce dealers, poultry dealers and any and all persons who may or do produce solid waste, shall be subject to legislation, which may, from time to time, be enacted by the City, for the betterment of the service of collection and removal of solid waste or for the convenience of the public.

**13. Parking Restrictions.** Vehicles used for collecting solid waste shall, at all times, be subject to the following restrictions:

A. If loaded or partially loaded:

(1) No parking or standing on any street, highway or alley at any time in excess of 1 hour.

(2) No off-street parking at any time in excess of 2 hours.

B. If empty:

(1) No parking on any highways, streets or alleys at any time in excess of 1 hour.

(2) No off-street parking at any time in excess of 48 hours and no more than 4 hours if the vehicle is within 400 feet of an occupied dwelling or in a residential area.

(3) No off-street parking in excess of 48 hours.

**14. Permitted Parking.** Compliance with the City Zoning Ordinance shall be required.

## **§20-106. Storage of Municipal Waste.**

### **1. General.**

A. It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the City of Reading where solid waste is produced and is accumulated, at their own expense, to provide, and keep at all times, a sufficient number of containers to hold all solid waste which may accumulate during the intervals between collection.

B. It shall be the duty of every owner of multi-family dwellings, to permanently post and maintain in each unit the solid waste and recycling rules and regulations.

C. It shall be unlawful to condone, cause or permit any person to deposit or remove any solid waste, refuse or recyclable from, on or in, any property, structure or trash or recycling receptacle within the City of Reading.

D. Burning. No person shall ignite, cause, feed, permit or maintain any fire for the destruction of solid waste on or in any property or structure under his control without

first having obtained a permit from the Pennsylvania Department of Environmental Protection.

- E. Disposal of Organic Waste. Unless otherwise provided for composting, all persons shall keep organic waste separate from all other forms of municipal waste and recyclables. Leaves shall be collected by the City in the spring and fall of each year and shall be disposed of at a designated City facility, operated in accordance with Pennsylvania Department of Environmental Protection.

**2. Storage by Residential and Multi-family Units of Four or Fewer Units.**

- A. **Containers.** All municipal waste accumulated by the owners and/or occupants, shall be placed in containers for collection by a licensed hauler. The containers shall be durable, water tight, and made of metal or plastic. The containers shall have tightly fitting covers and shall be kept clean. All containers shall be stored in the rear of the property in an area that is not visible from the public right-of-way.
- B. **Plastic Bags,** Can be used as municipal waste receptacles, for collection purposes only, provided that they are sealed to prevent scattering about of their contents and do not contain any rips, tears or punctures.
- C. Trash shall not be stored within the public right-of-way and shall only be placed within the public right-of-way for collection purposes, ~~between the hours of 8:30 p.m.~~ **after 6 p.m.** the ~~day~~ **night** before the scheduled collection and shall be removed from the public right-of-way by ~~8:00 p.m.~~ **daybreak** the day ~~of~~ **after** the scheduled collection.

**3. Storage of Multi-family Dwelling, Commercial, Industrial and Institutional Properties Using Private Collection.**

- A. **Containers.** Storage of municipal waste on all multi-family dwelling properties shall be in a bulk container as specified in (a), below. Storage of municipal waste on commercial, industrial and institutional properties shall be in the same manner and kept in the same type of container as is required for residential properties except where the accumulation on commercial, industrial or institutional property precludes their use, in which case, such owner or occupant shall make special arrangements with a licensed hauler for the storing of such additional

quantities. Such arrangements shall include the following. The type of special bulk container to be furnished by the collector shall be approved by the Department of Community Development or their designee. The special bulk container shall have a lid which must remain closed except when municipal waste is being added to or removed from the container. No one other than a licensed hauler, owner or authorized agent may place or remove any article from a bulky container, trash receptacle or recycling container. The containers shall be kept clean and in good repair. In the event of contract termination, it shall be the responsibility of the licensed hauler servicing said bulk container to empty and remove said container, at hauler's cost. Any licensed hauler who desires to place any large bulk container on a street or other public right-of-way in the City shall comply with all City ordinances.

- (1) The number of such containers to be used in any collection period shall be agreed to between the licensed hauler and owner or occupant of the multifamily dwelling, commercial, industrial or institutional property.
- (2) The containers must be collected as frequently as necessary to meet the needs of the customer without causing or creating a health violation or violation of this Part.

**B. Recycling Program.** Persons are hereby required to separate organic waste from other municipal waste generated at their home, apartment, and other residential, commercial and institutional establishment. The landlords or agent with multifamily rental housing properties of five or more units, shall comply with the responsibilities under this section, must establish a collection system for recyclable materials at each property. The collection system shall include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who establish such a collection system, as provided in this Part shall not be liable for the noncompliance of occupants in their buildings with respect to this recycling program.

**C. Location of Containers.** Containers for collection at multi-family dwellings, commercial, institutional, industrial properties using private collection shall be

located in the rear of said premises, and shall not be visible from the public right-of-way, at a place agreed upon by the owner or occupant of the property and the licensed hauler, and shall not be unsatisfactory to the Department of Public Works or the Department of Community Development. Such containers shall not be placed in the public right-of-way for collection prior to 8:30 p.m. the day before scheduled collection and shall be removed no later than 8 p.m. the day of scheduled collection and shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, easements, highways or entrances and exits of public or private buildings during the collection period and shall be in compliance with all applicable laws. Containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement. Containers shall also be posted with "DO NOT PLAY ON OR AROUND" signs to prevent unintentional injuries to children.

#### **4. Presumption of Ownership of Municipal Waste and Recyclables.**

- A. Any articles found within a municipal waste container, recycling container or garbage bag displaying the name and/or address of a person and/or persons that container or bag shall be presumed to be the property of such person and/or persons.
- B. Any municipal waste, refuse or recyclable materials found not to be disposed of in accordance with this Part shall be caused or Department of Community Development to require the person responsible for the generation of such material to establish that he/she has disposed of his /her municipal waste, refuse or recyclable materials as required by and in accordance with this Part. If said person is unable to establish that he/she has provided for the proper and legal disposal of these materials, said person shall be deemed to have violated this Part and shall be subject to penalties set forth herein.
- C. It shall be the responsibility of the owner and/or occupant of all residential, commercial and institutional establishments to ensure that their municipal waste, refuse and recyclable materials are disposed of properly, as required and defined under this Part.

#### **§20-107. Administrative Provisions.**

## 1. Penalty.

- A. Any person or entity found to be in violation of any provision of this Part shall, upon first conviction, be fined not less than \$50.00 but not more than \$300.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. If costs for abatement are incurred by the City, restitution of 200% of the costs shall be awarded to the City in addition to any fines or other penalties awarded herein. Owner shall also be required to provide a receipt from a licensed trash hauler for one year of prepaid trash collection service.
  - B. Upon second or subsequent offenses occurring within 5 years of a first offense, fines shall be doubled, to a minimum fine of \$100.00 but not more than \$600.00 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. If costs for abatement are incurred by the City, restitution of 200% of the costs shall be awarded to the City in addition to any fines or other penalties awarded herein. Owner shall also be required to provide a receipt from a licensed trash hauler for one year of prepaid trash collection service.
  - C. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this Section for each and every separate offense.
2. The City's Department of Community Development, Department of Public Works, the Police Department and any other City enforcement officers are authorized and directed to enforce this Part. The Director of the Department of Public Works is hereby authorized and directed to promulgate and establish reasonable rules and regulations for the collection, storage and disposal of solid waste in accordance with the terms herein and any other matters required to implement this Part. The City may change, modify, repeal or amend any portion of said rules and regulations at any time.
  3. Any person or entity violating relevant provisions of this Part, including collection of trash outside of the zoned collection day, may be subject to forfeiture and seizure of property as set forth in 53 P.S. §4000.1715 and 25 Pa. Code §271.431.

4. The issuance of a hauler's license does not grant a continued right to any collector to haul or collect municipal waste or recyclables in the City and the City reserves the right to contract for municipal waste and recycling services or to initiate the public collection of municipal waste and/or recyclables at any time.