

BILL 16 - 2021

Moved by: Majors

An Ordinance to technically amend the Municipal Waste, Recycling, and Composting Code of Title 9 of the Codified Ordinances of the City of Harrisburg.

WHEREAS, the Municipal Waste, Recycling, and Composting Code was adopted by City Council by Ordinance 5 of 2018; and

WHEREAS, upon review, technical compliance issues with The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended (“Act 101”) were identified as being required within the ordinance; and

WHEREAS, the City of Harrisburg desires to technically amend Part 3 of Title 9 to comply with Act 101 as it relates to recycling; and

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, as follows:

Ch. 1-201.1.C PROVIDES “AMENDMENTS TO EXISTING LEGISLATION ARE TO BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED; DELETIONS SHALL BE INDICATED BY STRIKING (-).”

SECTION 1. AMENDMENT TO PART 3 OF TITLE 9.

Part 3 of Title 9 of the Codified Ordinances for the City of Harrisburg is hereby amended as follows:

75 provide annual written documentation as to the type and weight of materials recycled
76 during the preceding 12 months. Reports are due to the City in a form provided by the
77 City no later than March 1 of each year.

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81 § 9-305.3 Recycling Disposal.

82 A. General Provisions. Disposal of recycling shall be under the direction of the Director
83 DPW. Authority is conferred upon the Director DPW to promulgate rules and regulations
84 concerning the days of operation, receiving hours, type of receptacle and conveyance, and
85 the designation of acceptable and unacceptable recycling material. Material which is
86 designated as recyclable, required to be source separated, shall not be disposed of as
87 municipal waste. The Director DPW shall promulgate rules and regulations with respect to
88 those other specific matters for which such authority is herein granted, and to change and
89 modify any and all such rules and regulations from time to time in the manner provided by
90 law, provided that such rules and regulations shall not be inconsistent with the provisions
91 herewith.

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95 § 9-305.5 Recycling program information.

96 Authority is conferred upon the Director DPW to promulgate rules and regulations as are
97 necessary to provide recycling and yard waste program information to the public. This
98 includes, but is not limited to, direct mailing residential and commercial recycling and yard
99 waste program information at least biannually.

100
101 Chapter 9-307
102 COMPOSTING
103

104 § 9-307.1 Composting Materials.

105 Materials such as leaves, branches, and any other items designated as yard waste with the
106 exception of grass clippings shall be source separated and collected for organics recycling or
107 composting. Designated composting materials for the composting program established
108 pursuant to this Chapter shall be determined by the rules and regulations promulgated by the
109 Director DPW.

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113 § 9-307.3 Composting Disposal.

114 A. General Provisions. Materials designated as yard waste or composting material shall not
115 be placed with or disposed of as municipal waste. Disposal of composting materials shall be

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

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126 Chapter 9-309
127 PROHIBITED ACTS AND VIOLATIONS

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129 *****

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131 § 9-309.3 Improper Waste Disposal.

132 Under no circumstances shall construction and demolition waste, hazardous waste,
133 electronic waste, recyclable material, yard waste, or tires be placed in municipal waste
134 receptacles for regular municipal waste collection. A person may not use another person's
135 receptacles without permission, or place refuse in front of a premises other than the building
136 in which he resides or works. A violation of this provision involving construction and
137 demolition waste or hazardous waste shall constitute a Category 1 violation; an offense
138 subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(B). A violation
139 of this provision involving electronic waste or tires shall constitute a Category 2 violation;
140 an offense subject to a non-traffic summary citation and penalty pursuant to § 9-311.4(C).
141 Municipal waste which is not bagged and placed in the cart shall constitute a Category 2
142 violation; an offense subject to a non-traffic summary citation and penalty pursuant to § 9-
143 311.4(C).

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147 SECTION 2. RESERVATIONS.

148 Nothing in this ordinance shall be construed to diminish the powers granted to City officials
149 by law.

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151 SECTION 3. DELEGATION.

152 Appropriate City officials are authorized to take such actions as are necessary to effectuate
153 this ordinance.

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155 SECTION 4. SEVERABILITY.

156 If any provision, sentence, clause, section or part of this ordinance or the application thereof

157 to any person or circumstance is for any reason found to be unconstitutional, illegal or
158 invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity
159 shall not affect or impair any of the remaining provisions, sentences, clauses, sections or
160 parts of this ordinance. It is hereby declared as the intent of the Council of the City of
161 Harrisburg that this ordinance would have been adopted had such unconstitutional, illegal or
162 invalid provision, sentence, clause, section or part not been included herein.

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164 SECTION 5. REPEALER.

165 All ordinances or parts of ordinances of the City of Harrisburg in conflict with the
166 provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

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168 SECTION 6. EFFECTIVE DATE.

169 This ordinance shall take effect in accordance with the law.

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172 Seconded by: Williams

YEAS		NAYS
<input checked="" type="checkbox"/>	MR. ALLATT	
<input checked="" type="checkbox"/>	MS. BOWERS	
<input checked="" type="checkbox"/>	MS. DANIELS	
<input checked="" type="checkbox"/>	MS. GREEN	
<input checked="" type="checkbox"/>	MR. MADSEN	
<input checked="" type="checkbox"/>	MR. MAJORS	
<input checked="" type="checkbox"/>	MS. WILLIAMS	
Yeas <u>7</u>		
Nays <u>0</u>		

Present by City Council December 14, 2021

Wanda R. D. Williams

President of City Council

Attest Ku P...

City Clerk

- Approved
- Returned to City Council with objections

Mayor

Date

INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2021 RESOLUTION NO. -2021

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION
AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:

Affanice E. Buldora
Sr. Deputy City Solicitor

11/9/2021
Date

Requested by Department/Bureau: Sustainability/1

Department/Bureau Contact Person: Chris Nafe

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on

Received by: *[Signature]*

Date: 11-9-21