

*Comm mtg. 8/11/04*

ORDINANCE No. 6 - 2004

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**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DAUPHIN, PENNSYLVANIA, PROHIBITING THE DISPOSAL OR DUMPING OF NON-RECYCLABLE MUNICIPAL WASTE IN OR AT THE COUNTY'S VOLUNTEER DROP-OFF RECYCLING DEPOTS OR ON PRIVATE OR PUBLIC PROPERTY AND FIXING PENALTIES FOR VIOLATIONS THEREOF.**

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**WHEREAS**, The County of Dauphin, Pennsylvania (the "County"), is a county of the Commonwealth of Pennsylvania; and

**WHEREAS**, In April 2000, the County entered into an Intergovernmental Cooperation Agreement with the City of Harrisburg (the "City") in order to combine resources for the management of municipal Solid Waste generated in the County, including the disposal and recycling of such waste; and

**WHEREAS**, In 2002, the County and City initiated one of their first joint efforts to increase recycling in the County called the "Volunteer Drop-Off Recycling Program"; and

**WHEREAS**, The purpose of this program is to site and locate recycling bins throughout the County, particularly in municipalities without any mandated recycling programs, to allow residents to dispose of recyclable materials like glass, plastics, newspapers, magazines and cardboard on a volunteer basis and the County is responsible for collection and transportation of the recyclables for sale and re-use in the recycling markets; and

**WHEREAS**, The Volunteer Drop-Off Recycling Program has been extremely successful in that the County continues to collect increasing levels of recyclable materials from its residents; and

**WHEREAS,** An unintended consequence of this volunteer program has been that some residents and/or business have littered or used the VDOR Receptacles for littering or the disposal and dumping of non-recyclable Waste; and

**WHEREAS,** The littering, disposal or dumping of non-recyclable Waste in or at the VDOR Receptacles has resulted in a public nuisance to the residents of the municipalities in which these sites are located and increased cost to the County to remove such non-recyclable Waste from the site; and

**WHEREAS,** In order to control the illegal littering, disposal and dumping of non-recyclable waste from these sites and to ensure the health, safety and welfare of its residents, the County desires to impose penalties against those found to be illegally littering, disposing and/or dumping of non-recyclable waste at its VDOR Receptacle sites, at the site of other public or privately-owned recycling depots or locations, or on any other public or private property throughout the County.

**NOW, THEREFORE,** it is hereby enacted and ordained by the County of Dauphin as follows:

Section 1. Definitions.

The following terms when capitalized shall have the meanings set forth below when used in this Ordinance:

"City" The City of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania.

"Commissioners" The Board of Commissioners of the County of Dauphin, Commonwealth of Pennsylvania.

"County" The County of Dauphin, Commonwealth of Pennsylvania.

"County Rules and Regulations" The rules and regulations of County as adopted and revised from time to time by the County.

"DEP" or "Department" The Commonwealth of Pennsylvania, Department of Environmental Protection.

"Dumping" Includes, but is not limited to depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc) small appliances, furniture, carpets, tires and other such Municipal Waste, hazardous waste residual and construction or demolition debris on the site of the County's VDOR Receptacles or any other public or privately-owned recycling depot or location or on public or private property.

"Haulers" Persons engaged in the collection, storage or transport of Municipal Waste or Source Separated Recyclable Materials or Solid Waste.

"Litter" Includes, but is not limited to all waste material, garbage, Municipal Waste, damaged and deteriorated furniture or motor vehicle seats, trash, grass clippings, trimmings, dirt or other substances of any nature which, if thrown, scattered, or deposited as herein prohibited, tend to injuriously affect health, safety and welfare or tend to have a detrimental or unsightly impact on the environment.

"Municipalities" Municipalities located within the County.

"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 and from community activities and any sludge not meeting the definition of Residual Waste or Hazardous Waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include Source-Separated Recyclable Materials, or Hazardous Waste or Residual Waste. The term includes materials which could be recycled at the source, but are not.

"Person" Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, Municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. The term "Person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Plan" The Dauphin County Municipal Waste Management Plan, as now or hereafter amended.

"Solid Waste" Waste generated within the County, including the following Wastes if generated within the County: Municipal Waste, Residual Waste, Sewage Sludge, Infectious/Chemotherapeutic Waste, Resource Recovery Ash Residue, Source Separated Recyclable Materials, Leaf Waste as defined in Act 101, Municipal Solid Waste, Special Handling Municipal Solid Waste, Unacceptable Waste, Hazardous Waste, and all non-liquid Waste.

“VDOR Receptacle” Those volunteer drop-off recycling receptacles which are placed in designated areas throughout the County for the specific purpose of collecting recyclable materials.

“Waste” A material whose original purpose has been completed and which is directed to a disposal, processing or beneficial use facility or is otherwise disposed of, processed or beneficially used. The term does not include source separated recyclable materials, material approved by the Department for beneficial use under a beneficial use order issued by the Department prior to May 27, 1997, or material which is beneficially used in accordance with a general permit issued under Subchapter I or Subchapter J (relating to beneficial use; and beneficial use of sewage sludge by land application) if a term or condition of the general permit excludes the material from being regulated as a waste.

Section 2. Deposit of Litter Prohibited.

A. No persons shall throw, scatter, deposit or dispose of litter into any public place, such as a street, sidewalk, park or playground, nor onto any private property, except in authorized receptacles.

B. No person shall throw, scatter, deposit or dispose of litter into any VDOR Receptacles or at the site of any other public or privately-owned recycling depot or location. All VDOR Receptacles shall be used for recyclables as that term is described in this Ordinance.

Section 3. Complaints.

Any person may report violations of this Article by filing with the municipal Police Department or any other appropriate officer with the County’s Department of Solid Waste Management and Recycling.

Section 4. County Rules and Regulations.

In order to carry forth the power and duty to implement this Ordinance, the County Department of Solid Waste Management and Recycling or such other County official as may be directed by the Commissioners may adopt and enforce Rules and Regulations consistent with this Ordinance.

Section 5. Unlawful Activity.

It shall be unlawful for any Person to violate, or cause or permit or assist in the violation of, any provision of this Ordinance or of any provision of County Rules and Regulations. All unlawful conduct shall also constitute a public nuisance.

Section 6. Penalty.

Any Person violating any provision of this Ordinance, or any provision of the County Rules and Regulations, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$1,000 and the costs of prosecution and restitution, if any, in default of the payment of such fine and costs, to undergo imprisonment for not more than ten days. Each violation of any provision of this Ordinance or of any provision of the County Rules and Regulations, and each day that such a violation shall exist, shall constitute a separate violation and offense.

Section 7. Injunctive Relief.

In addition to any other remedy provided in this Ordinance, the County may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance, the Plan and/or the County Rules and Regulations.

Section 8. Concurrent Remedies.

The penalties and remedies set forth in this Ordinance are in addition to, not in lieu of, any fines, penalties or remedies provided in the County Rules and Regulations or by federal, state and local laws and regulations. The existence or exercise of any remedy shall not prevent the County from exercising any other remedy (a) provided under (i) this Ordinance or (ii) the County Rules or Regulations, or (b) available at law or equity.

Section 9. Severability.

The provisions of this Ordinance are severable. If any provisions of this Ordinance or its application to any Person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance.

Section 10. Effective Date.

This Ordinance shall become effective immediately, unless the Plan has not been approved by the Department, in which case, it shall become effective on the earlier of the date of approval of the Plan, or the date on which the Plan is deemed to be approved, by the Department.

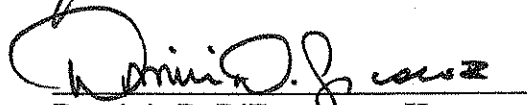
**ENACTED AND ORDAINED**, this 11<sup>th</sup> day of August 2004 by the Board of Commissioners of Dauphin County.

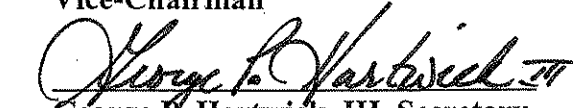
**ATTEST:**

  
Chad Saylor  
Chief Clerk/Chief of Staff

**DAUPHIN COUNTY  
BOARD OF COMMISSIONERS**

  
Jeffrey T. Haste, Chairman

  
Dominic D. DiFrancesco, II,  
Vice-Chairman

  
George P. Hartwick, III, Secretary