

RECYCLING

1.0 TITLE AND CITATION

The short title of this Ordinance shall be the “BOROUGH RECYCLING ORDINANCE”, and the same may be cited in that manner.

2.0 PURPOSE

It is hereby found that conservation of recyclables is an important public concern because of the growing problem municipal waste disposal and its impact on the environment. The purpose of this Ordinance is to establish a program of compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act

3.0 DEFINITIONS

“**ALUMINUM CANS**” shall mean empty all-aluminum beverage and food containers.

“**BOROUGH RECYCLING COMMITTEE**” shall be a body of residents of the Borough, appointed by Borough Council to implement the terms of this Ordinance.

“**BOROUGH RECYCLING STORAGE AREA**” shall be that area at the Borough Wastewater Treatment Plant where Recyclable Materials and Newspapers are to be segregated and stored for re-shipment.

“**BI-METAL CANS**” shall mean empty food or beverage containers consisting of ferrous sides and bottom, and aluminum top. (See also “Tin Cans”)

“**CENTRAL RECYCLING FACILITY**” shall mean the County Recycling Facility that sorts and processes Municipal Recyclable Materials and Newspapers.

“**COMMERCIAL ESTABLISHMENT**” shall mean those properties used primarily for commercial or industrial purposes.

“**CORRUGATED PAPER**” shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

“**GLASS BOTTLE AND BEVERAGE CONTAINERS**” shall mean bottles and jars made of clear or colored glass.

“**HIGH GRADE OFFICE PAPER**” shall mean all white paper, bond paper and computer paper used in Commercial, Institutional and Municipal establishments.

“INSTITUTIONAL ESTABLISHMENTS” shall mean those facilities that house or serve groups of people, e.g. hospitals, schools, day-care, nursing homes, etc.

“LEAF WASTE” shall mean leaves, garden residue, shrubbery and tree trimmings, and similar matter, but not including grass clippings.

“MULTI-FAMILY HOUSING PROPERTIES” shall mean any properties having four (4) or more dwelling units per structure.

“MUNICIPAL ESTABLISHMENTS” shall mean public facilities operated by the Municipality and other governmental and quasi-governmental authorities.

“MUNICIPALITY” shall mean the Borough

“MUNICIPAL WASTE” shall mean any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or 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 or hazardous waste in the Solid Waste Management Act from municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facilities. The term does not include Source Separated Recyclable Materials and Newspapers.

“NEWSPAPERS” shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and other matters of public interest. Expressly excluded are glossy advertising inserts.

“PERSON(S)” shall include any individual, cooperative, enterprise, corporation, association, institution, cooperative, enterprise, municipality, municipal authority, Federal Government or agency, state institution or agency, or other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

“RECYCLING CONTAINERS” shall mean those containers provided by the Borough to each residential dwelling unit for the purpose of separating and storing recyclables until such time as they are collected by the proper collection agency of the Borough.

“RECYCLABLE MATERIALS” shall mean Source-Separated glass bottles and beverage containers, and aluminum, tin or Bi-Metal cans.

“RESIDENTIAL DWELLINGS” shall mean any occupied single family dwelling or multi-family dwelling containing less than seven (7) dwelling units.

“SOURCE SEPARATED” means separated from Municipal Waste at the point of origin.

“TIN CANS” shall mean empty food or beverage containers consisting of ferrous sides and bottom and top. (See also “Bi-Metal cans”).

4.0 VOLUNTARY SEPARATION OF RECYCLABLES

All persons choosing to be a participant in the Borough Recycling Program shall separate Recyclable Materials from Municipal Waste generated at their homes, apartments and other residential establishments and shall store such material until collection.

4.1 VOLUNTARY SEPARATION OF NEWSPAPERS

All persons choosing to be a participant in the Borough Recycling Program shall separate newspapers from Municipal Waste generated at their homes, apartments and other residential establishments and shall store such material until such time as they transport them to the Borough Recycling Storage Area.

4.2 SEPARATION OF RECYCLABLE MATERIALS AND NEWSPAPERS FROM RESIDENTIAL DWELLINGS AND PLACEMENT FOR COLLECTION.

Recyclable Materials separated from Municipal Waste generated at Residential Dwellings shall be placed at the curb for collection in containers supplied by the Borough for that purpose.

Newspapers separated from Municipal Waste generated from Residential Dwellings shall be bundled and tied with string or twine. Plastic or Paper bags shall not be used for this purpose. The bundled newspaper shall be delivered to the Borough Recycling Storage Area only on such dates and times as specified by Borough Council. Newspapers shall be secured in bundles not to exceed one (1) foot in thickness.

4.3 SEPARATION OF RECYCLABLES AND NEWSPAPERS FROM MULTI-FAMILY HOUSING PROPERTIES AND PLACEMENT FOR COLLECTION.

The owner, landlord or an agent of an owner or landlord of Multi-Family Housing Properties shall establish a collection system for Recyclable Materials and Newspapers at each property. Suitable containers for collecting and sorting Recyclable Materials and for collecting and storing Newspapers shall be provided by the owner, landlord or agent thereof, in locations as easily accessible as those provided for Municipal Wastes. Additionally, written instructions shall be provided to the occupants of Multi-Family Housing Properties concerning the use and availability of the collection system. Owners, landlords and agents

of owners and landlords who comply with this Ordinance shall not be liable for the non-compliance of occupants of the Multi-Family Housing Properties.

5.0 COLLECTION

Recyclable Materials and bundled newspapers collected by the Borough or pursuant to a contract with an independent outside hauler, shall be collected on the second Saturday of each month, or at such other times and dates as established by the Borough Council of the Borough.

Curbside placement shall be made no earlier than seven a.m. (7:00 am) on the day of the scheduled collection.

Each person or entity who, by contract with a household, an establishment or the Borough collects and transports Recyclable Materials and Newspapers, shall screen and inspect all such materials collected to the extent necessary to prevent the collection of Municipal Wastes, Hazardous Waste and other wastes that are not Recyclable Materials and Newspapers.

6.0 MANDATORY SEPARATION OF LEAF WASTE

(This section set aside for future use.)

7.0 VOLUNTARY SEPARATION BY COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS

All Commercial, Municipal and Institutional establishments choosing to be a participant in the Borough Recycling Program shall separate and store High Grade Office Paper, aluminum, corrugated paper generated thereat until collections at such times and in such manner as hereinafter prescribed by the Borough Council of the Borough.

Those Commercial, Municipal or Institutional establishments that, as of the date of this Ordinance, have otherwise provided for the recycling of materials required by this section to be recycled may request to be exempt from the requirements hereof. Any establishment seeking such an exemption must apply for an exemption to the Borough Council of the Borough. An exemption shall be granted if the applicant shows the following:

- (1) High Grade Office Paper, aluminum, corrugated paper and Glass containers are removed from the stream of waste at either the point of generation of waste or by other separation procedures, which shall be described in detail in the application;
- (2) The separated materials are brought to a center, which shall be identified in the application, for either processing or packaging to return the material

- to the stream of commerce; and
- (3) the amount of waste, and the amount of materials separated from the waste for recycling, during the preceding twelve (12) months of operation, or such shorter period as the operation may have been in effect prior to enactment of this Ordinance.

Any establishment that is granted an exemption must annually provide written documentation to the Borough Council of the total number of tons recycled.

8.0 COLLECTION BY UNAUTHORIZED PERSON (S)

It shall be a violation of this Ordinance for any Person, unauthorized by the Borough Council of the Borough to collect, pick-up, or cause to be collected or picked up, any materials required by this Ordinance to be recycled.

Nothing in this Ordinance shall be deemed to impair the ownership of any materials required by this Ordinance to be recycled by the Persons generating such materials unless they are placed at curbside or other designated locations for collection.

9.0 TRANSPORT TO UNAUTHORIZED FACILITY

It shall be a violation of this Ordinance for any Person to transport any Recyclable Materials or Newspapers to any facility other than the Borough recycling storage Area for the purpose of recycling.

It shall be unlawful to deliver to the Borough Recycling Storage Area any materials other than those designated as Recyclable Materials under this Ordinance.

Recyclable Materials delivered to the Borough Recycling Storage Area shall be separated, as specified within this Ordinance, and all materials shall be placed in the proper containers marked for that purpose at the Borough Recycling Storage Area.

10.0 UNAUTHORIZED USE OF RECYCLING CONTAINERS

The Borough shall provide "Recycling Containers" for the exclusive use of Borough Residents in separating and storing recyclable materials until such time as the materials are picked up by personnel authorized by Borough Council. The Borough maintains ownership of these containers, and such containers shall be returned to the Borough under the following conditions;

- (1) when requested by an authorized representative of the Borough.
- (2) when the residential user moves from within the limits of the Borough.

- (3) when a container becomes unusable due to damage, and a request for replacement is made to the Borough.

Recycling Containers are distributed by the Borough to its residents for the sole purpose of storing recyclable materials within the dwelling unit. Any other use of these containers, without the consent of Borough Council of the Borough, shall be considered a violation of this Ordinance.

11.0 ENFORCEMENT

The Borough Council of the Borough is authorized and directed to enforce this Ordinance. The Borough Council of the Borough is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days, and times for the collection of materials required to be recycled hereunder, in accordance with the terms hereof. The Borough Council of the Borough may change, modify, repeal, or amend any portion of said regulations at anytime.

12.0 VIOLATIONS AND PENALTIES

Any Person violating any provision of this Ordinance shall be subject to a penalty not to exceed Six Hundred Dollars (\$600.00).

13.0 REPEALER

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

14.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance shall be adjudged or declared invalid for any reason whatsoever, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, which shall remain in full force and effect.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.