

ORDINANCE NO. 6-90

AN ORDINANCE OF CENTER TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA, PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act ("Act 101"), provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source-separated recyclable materials; and,

WHEREAS, the reduction of the amount of municipal waste and conservation of recyclable materials has become an important public concern because of the growing problem of municipal waste disposal and its impact on the environment; and,

WHEREAS, the collection of recyclable materials for recycling from residences, multi-family housing properties, commercial, municipal and institutional establishments and community activities in the Township will serve the general public interest by reducing the volume of municipal waste which must be disposed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Center Township that:

SECTION 1. TITLE.

The short title of this ordinance shall be the Center Township Recycling Ordinance, and the same may be cited in that manner.

SECTION II. DEFINITIONS.

The following words and phrases used throughout this Ordinance shall have the following meanings:

Act 101 shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Aluminum Containers shall mean empty all aluminum beverage or food containers.

Bi-metal Containers shall mean empty food or beverage containers consisting of steel, aluminum and/or tin.

Collector shall mean the entity or entities authorized by the Township to collect designated Recyclable Materials from Residences, or authorized by Multi-Family Housing Properties,

Commercial, Municipal and Institutional Establishments and Community Activities that do not receive collection services from the Township to collect designated Recyclable Materials from those properties.

Commercial Establishments shall mean those properties used primarily for commercial or industrial purposes.

Community Activities are events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

Corrugated Paper shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Glass Containers shall mean bottles and jars made of clear glass. Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

High Grade Office Paper shall mean all white paper, bond paper and computer paper used in Commercial, Institutional and Municipal Establishments and Community Activities.

Institutional Establishments shall mean those facilities that house or serve groups of people including, but not limited to,

hospitals, nursing homes, orphanages, day care centers, airports, schools and universities.

Lead Acid Batteries shall include but not be limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste shall mean leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

Multi-Family Housing Properties shall mean any residential property having four (4) or more dwelling units per structure.

Municipal Establishment shall mean public facilities operated by the Township and other governmental and quasi-governmental entities.

Municipal Waste shall mean any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of Residences, Multi-Family Housing Properties, Municipal, Commercial or Institutional Establishments and 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. The term does not include

Recyclable Materials designated by the Township pursuant to this Ordinance.

Person(s) shall mean owners, lessees, and occupants of Residences, Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and the sponsors of Community Activities.

Recyclable Materials shall mean materials generated by Residences, Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and Community Activities which are designated by the Township pursuant to this Ordinance and can be separated from Municipal Waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable Materials designated by the Township may include, but are not necessarily limited to, Clear Glass Containers, Colored Glass Containers, Aluminum Containers, Steel and Bi-metal Containers, High Grade Office Paper, Newspapers, Corrugated Paper, Leaf Waste, Plastic Containers, and any other items selected by the Township or specified in future revisions to Act 101. The Recyclable Materials designated by the Township may be revised from time to time as deemed necessary by the Township.

Recycling shall mean the collection, separation, recovery and sale or reuse of metals, glass, appear, leaf waste, plastics and other materials which would otherwise be disposed or processed as

Municipal Waste or the mechanized separation and treatment of Municipal Waste (other than through combustion) and creation and recovery of re-useable materials.

Residences shall mean any occupied single or multi-family dwellings having less than four (4) dwelling units per structure for which the Township or its designee provides Municipal Waste collection service.

Township shall mean the Township of Center.

Waste shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include Recyclable Materials designated by the Township or material approved by the Pennsylvania Department of Environmental Resources for beneficial use.

SECTION III. ESTABLISHMENT OF PROGRAM/GRANT OF POWER

The Township hereby establishes a Recycling Program for the mandatory separation and collection of designated Recyclable Materials and the separation, collection and composting of Leaf Waste from all Residences, Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and Community Activities located in the Township. Collection of designated

Recyclable Materials shall be made at least once per month by the Township, its designated agents, or any other Municipal Waste collectors operating in the Township and authorized to collect designated Recyclable Materials from Residences, Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and Community Activities. The Recycling Program shall also contain a sustained public information and education program.

Specific Recycling Program Rules and Regulations (the "Recycling Regulations") are attached to this Ordinance as Exhibit "A" and incorporated herein as part of this Ordinance. The Township is empowered to make changes to the Recycling Regulations as necessary, as described in Section X, upon approval of the Board of the Township and public notice and notification of all affected parties.

SECTION IV. LEAD ACID BATTERIES

Disposal by persons of lead acid batteries with other Municipal Waste is prohibited and shall be a violation of this Ordinance.

SECTION V. SEPARATION AND COLLECTION

All persons in the Township shall separate all Recyclable Materials designated by the Township in the Recycling Regulations

from all other Municipal Waste, store such materials for collection, and shall place the same for collection in accordance with the guidelines in this Ordinance and the Recycling Regulations.

1. Persons in Residences must separate Recyclable Materials designated in the Recycling Regulations from other Municipal Waste. These designated Recyclable Materials shall be placed at curbside in containers provided or designated by the Township for collection. Any containers provided to Residences for collection of designated Recyclable Materials shall be the property of the Township and shall be used only for the collection of designated Recyclable Materials. Any resident who moves within or from the Township shall be responsible for returning the allocated container(s) to the Township. Use of recycling containers for any purpose other than the designated Recycling Program or use of the recycling containers by a person other than the person allocated such container(s) shall be a violation of this Ordinance.

2. An owner, landlord, or agent of an owner or landlord of a Multi-Family Housing Property may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the Recyclable Materials designated in the Recycling Regulations, easily accessible locations for the recycling 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 comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings.

If designated Recyclable Materials are collected by a collector other than the Township or its authorized agents, the owners, landlords and agents of owners or landlords of Multi-Family Housing Properties shall submit an annual report to the Township reporting the tonnage of materials recycled during the previous year, in the form, time and manner specified in the Recycling Regulations.

3. Persons must separate High Grade Office Paper, Aluminum Containers and Corrugated Paper and such other Recyclable Materials as may be designated in the Recycling Regulations generated at Commercial, Municipal and Institutional Establishments and Community Activities and store the designated Recyclable Materials until collection. A person may be exempted from this paragraph if that person submits documentation to the Township annually in the form, time and manner specified in the Recycling Regulations indicating that the designated Recyclable Materials are being recycled in an appropriate manner.

If designated Recyclable Materials are collected by a collector other than the Township or its authorized agents, occupants of Commercial, Municipal and Institutional Establishments and the

sponsors of Community Activities shall submit an annual report to the Township reporting the tonnage of materials recycled during the previous year, in a form, time and manner specified in the Recycling Regulations.

4. All persons must separate Leaf Waste from other Municipal Waste generated at Residence, Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and Community Activities for collection as required by the Leaf Waste Regulations, unless those persons have otherwise provided for composting of Leaf Waste.

SECTION VI. OWNERSHIP OF RECYCLABLE MATERIALS

All designated Recyclable Materials placed by persons for collection by the Township or authorized collector pursuant to this Ordinance shall, from time of placement at curbside, become the property of the Township or authorized collector, as the case may be, except as otherwise provided by Section VIII of this Ordinance. Nothing in this Ordinance shall be deemed to impair the ownership of separated Recyclable Materials by the generator unless and until such materials are placed at the curbside for collection.

SECTION VII. COLLECTION BY UNAUTHORIZED PERSONS

It shall be a violation of this Ordinance for any person, other than the Township or one authorized by the Township or other

entity responsible for providing for collection of designated Recyclable Materials, to collect designated Recyclable Materials placed by Residences, Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and Community Activities for collection by the Township or an authorized collector, unless such person has prior written permission from the generator to make such collection. Each unauthorized collection from each property on each day shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION VIII. EXISTING RECYCLING OPERATIONS

Any Residence, Multi-Family Housing Property, Commercial, Municipal or Institutional Establishment or Community Activity may donate or sell designated Recyclable Materials to any person, firm or corporation, whether operating for profit or not, engaged in the business of recycling on or before September 26, 1990, provided that the receiving person, firm or corporation shall not collect such Recyclable Materials from the collection point of a Residence, Multi-Family Housing Property, Commercial, Municipal or Institutional Establishment or Community Activity without prior written notification to and written consent of the Township.

SECTION IX. RECYCLING OF MATERIALS

Disposal by persons of designated Recyclable Materials with Municipal Waste is prohibited and shall be a violation of this

Ordinance. The collected designated Recyclable Materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of designated Recyclable Materials in landfills or by burning in incinerators is prohibited unless markets do not exist, the collectors or operators have notified the Township in writing in advance, and the Township gives its advance written consent to the same.

SECTION X. ENFORCEMENT AND ADMINISTRATION

The Township is hereby authorized and directed to promulgate and/or amend Recycling Regulations for the operation and enforcement of this Ordinance, as deemed necessary, including, but not limited to:

A. Designating Recyclable Materials to be separated for collection and recycling by Residences, and additional Recyclable Materials to be separated by Multi-Family Housing Properties, Commercial, Municipal and Institutional Establishments and Community Activities.

B. Establishing collection procedures for designated Recyclable Materials.

C. Establishing reporting procedures for amounts of materials recycled.

D. Establishing procedures for the designation, distribution, monitoring and collection of recyclable containers.

The Township shall promulgate separate rules and regulations for the collection of Leaf Waste (the "Leaf Waste Regulations").

Any person, firm or corporation who shall violate the provisions of this Ordinance or the Recycling Regulations or Leaf Waste Regulations shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), plus all court costs. Each day during which any violation continues shall constitute a separate offense.

The Township reserves the right not to collect Municipal Waste containing designated Recyclable Materials in combination with non-Recyclable Materials.

SECTION XI. FRANCHISE OR LICENSE

The Township may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the designated Recyclable Materials other than Leaf Waste from curbside. The Township may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the Leaf Waste generated in the Township.

SECTION XII. PREPAYMENTS TO PRIVATE COLLECTORS

If the Township will have entered into an agreement with a public or private agency or firm to authorize them to collect all or part of the designated Recyclable Materials other than leaf waste and other solid waste materials from curbside, and if said Agreement will have become effective prior to the expiration of prepayments by any Township resident to a private garbage collector, no Township resident will have to pay twice for garbage and/or recyclable collection. To accomplish this result, the Township shall offer the Solicitor's services at no expense to the Township resident.

SECTION XIII. ONE COLLECTOR FOR SOLID WASTE MATERIALS AND RECYCLABLES.

The Township is hereby authorized, if economics so dictate, to enter into an Agreement with one Collector for all residents of the Township for the collection of both solid waste materials and recyclables. In the event this will have occurred, all residents will be mandated to use this designated collector and to fully cooperate with said collector.

SECTION XIV. REPEAL AND SEVERABILITY

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Should any part of this Ordinance be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction,

such • invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this Ordinance. It is hereby declared that such parts as are legal would have been erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Township that such remainder shall be and remain in full force and effect.

SECTION XV. EFFECTIVE DATE

This Ordinance shall be retroactive to September 26, 1990.

ORDAINED AND ENACTED this 10th day of December, 1990.

ATTEST:

Verna J. Phipps
Secretary

CENTER TOWNSHIP

By Fred Ladd
Chairman, Board of Supervisors

(2825S)