

ORDINANCE NO. 1257

MUNICIPAL RECYCLING ORDINANCE

BOROUGH of DONORA

WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF DONORA, COUNTY OF WASHINGTON, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR 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, 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, reduction of the amount of solid waste and conservation of recyclable materials is an important public concern by reason of the growing problem of solid waste disposal and its impact on our environment; and

WHEREAS, recycling conserves valuable material resources and energy, promotes greater efficiency in the regional economy and provides for local employment; and

WHEREAS, recycling will reduce the overall amount of solid waste presently generated and thus reduce storage, collection, transportation and disposal costs:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Donora, and it is hereby ordained by the authority of the same that:

SECTION I: SHORT TITLE

The short title of this Ordinance shall be the Borough of Donora, 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:

Aluminum --- Shall mean empty all aluminum beverages or food cans.

Bi-metal containers --- Shall mean empty food or beverage containers consisting of steel and aluminum.

Clean Recyclables --- Means not exposed to foreign substances or conditions rendering them unusable for recycling.

Collector --- Shall mean the entity or entities authorized by the Municipality to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Municipality to collect recyclable materials from those properties.

Commercial Establishments --- Shall mean those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than four (4) dwelling units.

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

Ferrous Containers --- Shall mean empty steel or tin coated food or beverage containers.

Glass Containers --- Shall mean bottles and jars made of clear, green or brown 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 in residences.

Institutional Establishment --- Shall mean those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.

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

Magazines and periodicals --- Shall mean printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

Multi-Family Housing Properties --- Shall mean any properties having four (4) or more dwelling units per structure.

Municipal Establishment --- Shall mean public facilities operated by the Municipality and other governmental and quasi-governmental authorities.

Municipal Waste --- Shall mean any garbage, refuse, industrial lunchroom or 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 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 source-separated recyclable materials .

Municipality --- Shall mean the Borough of Donora.

Newspapers --- Shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and advertising inserts printed in color other than black and white often included with newspapers.

Person(s) --- Shall mean owners, lessees, and occupants of residences and commercial, municipal and institutional establishments.

Plastic Containers --- Shall mean empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Municipality may stipulate specific types of plastic which may be recycled.

Recyclable Materials --- Shall mean materials generated by residences and commercial, municipal and institutional establishments which are specified by the Municipality 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 may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Municipality or specified in future revisions to Act 101. The recyclable materials selected by the Municipality may be revised from time to time as deemed necessary by the Municipality.

Recycling --- Shall mean the collection, separation, recovery and sale or reuse of metals, glass, paper, 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 reuseable materials.

Residences --- Shall mean any occupied single or multi-family dwellings having up to four (4) dwelling units per structure for which the Municipality provides municipal waste collection service.

Source Separated Recyclable Materials --- Shall mean those materials separated at the point of origin for the purpose of being recycled.

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 source separated recyclable materials or material approved by the PA Department of Environmental Resources for beneficial use.

### SECTION III: ESTABLISHMENT OF PROGRAM/GRANT OF POWER

The Borough of Donora hereby establishes a Recycling Program for the mandatory separation and collection of recyclable

materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Municipality for which waste collection is provided by the Borough or any other collector. Collection of the recyclable materials shall be made at least once per month by the Municipality, its designated agent, or any other solid waste collectors operating in the Borough and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The Recycling Program shall also contain a sustained public information and education program.

Specific program regulations are provided as an attachment to this Ordinance. The Borough Council is empowered to make changes to program regulations as necessary, as described in Section X. Subsequent changes in the program regulations may be made through approval of the Borough Council and public notice and notification of all affected parties.

This Ordinance is ordained pursuant to 53 P.S. §4000.1305 et seq.

#### SECTION IV: SEPARATION AND COLLECTION

A. All persons who are residents of the Borough of Donora shall separate all of those recyclable materials designated by the Borough from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.

1. Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Municipality for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Municipality and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Municipality or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any 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 rental housing property with more than two (2) units may comply with its recycling responsibilities by establishing a collection system at each property. The collec-

tion system must include suitable containers, provided by the Municipality, for collecting and sorting the recyclable 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 comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings. However, owners, landlords or agents of owners or landlords shall be responsible for the replacement cost of containers for their multi-family rental housing property.

B. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

C. Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Borough generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this paragraph if that person submits documentation to the Borough annually indicating that the designated recyclable materials are being recycled in an appropriate manner.

#### SECTION V: OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Borough or authorized collector pursuant to this Ordinance shall, from time of placement at the curb, become the property of the Borough or the authorized collector, 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 VI: COLLECTION BY UNAUTHORIZED PERSONS

It shall be a violation of this Ordinance for any person, firm or corporation, other than the Municipality or one authorized by the Borough Council or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Borough or an authorized collector. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one (1) calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

## SECTION VII: EXISTING RECYCLING OPERATIONS

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from the Borough Council or other entity responsible for authorizing collection of recyclable materials to make such a collection.

## SECTION VIII: RECYCLING OF MATERIALS

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this Ordinance. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Borough Council in writing.

## SECTION IX: ENFORCEMENT AND ADMINISTRATION

The Borough Council is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as deemed necessary, including, but not limited to:

- A. Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
- B. Establishing collection procedures for recyclable materials.
- C. Establishing reporting procedures for amounts of materials recycled.
- D. Establishing procedures for the distribution, monitoring and collection of recyclable containers.
- E. Establishing procedures and rules for the collection of leaf waste.

Any person, firm or corporation who shall violate the provisions of this Ordinance shall receive an official written warning of non-compliance for the first and second offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.

Except as hereinafter provided, any person, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), and costs of prosecution for each and every offense.

The Borough reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials.

#### SECTION X: FRANCHISE OR LICENSE

The Borough may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

#### SECTION XI: 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 Borough that such remainder shall be and remain in full force and effect.

#### SECTION XII: MODIFICATIONS

The Borough may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in Section IX.



SECTION XIII: EFFECTIVE DATE

This Ordinance shall take effect on AUGUST 8,  
19 91.

ENACTED AND ORDAINED this 8<sup>th</sup> day of AUGUST,  
19 91, by the Council of the Borough of Donora, Washington  
County, Pennsylvania.

BOROUGH OF DONORA

By: John Liguelli  
President of Council

By: Anthony Massaro  
Mayor

ATTEST:  
Robert G. Panoska  
Secretary

(Municipal Seal)