

BOROUGH OF CASTLE SHANNON

ORDINANCE NO. 746

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF CASTLE SHANNON, ALLEGHENY 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, 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 and from commercial, municipal and institutional establishments in the Municipality will serve the general public interest by reducing the volume of municipal waste which must be disposed and conserving our natural resources;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Castle Shannon in the County of Allegheny, State of Pennsylvania, as follows:

SECTION I. TITLE

The short title of this ordinance shall be the Borough of Castle Shannon 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 shall mean empty all aluminum beverage or food cans.

Bi-Metal Containers shall mean empty food or beverage containers consisting of steel and aluminum.

Collector shall mean the entity or entities authorized by commercial, municipal and institutional establishments that do not receive collection services from the Municipality to collect recyclable materials from those properties, as well as the entity or entities which have a contract with the Municipality to provide collection services.

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.

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.

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.

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 Castle Shannon.

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 colors 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 residents 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 reusable materials.

Residences shall mean any occupied single or multi-family dwellings.

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 Municipality 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 Municipality 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 Municipality 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 XI. 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 the Borough Code.

SECTION IV. LEAD ACID BATTERIES

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

SECTION V. SEPARATION AND COLLECTION

A. All persons who are residents of the Municipality shall separate all of those recyclable materials designated by the Municipality in the attached regulations from all other municipal waste produced at their homes, apartments and other residential establishments, shall store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder. All residents shall participate in the Borough operated recycling program unless a resident is exercising one of the authorized options set forth herein.

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 or in containers provided by themselves but having thereupon official recycling stickers provided by the Municipality. 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 Municipality 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, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four (4) units 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, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, managers and agents of owners, landlords or managers who comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings.

If recyclable materials are collected by a collector other than the Municipality or its authorized agent, owners, landlords and agents of owners or landlords shall submit by January 15 of each year beginning January 15, 1991 an annual report to the Municipality reporting the tonnage of materials recycled during

the previous year. This requirement may be fulfilled by submission of a letter or form from the collector which certifies that recyclable materials are being collected from the multifamily 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 all of those recyclable materials designated by the Municipality in the attached regulations from all other waste materials generated at commercial, municipal and institutional establishments and at community activities, and must store the recyclable materials until collection. A person may comply with this paragraph by either of the following:

1. Providing for the on-site recycling of materials deemed appropriate by the municipality and so designated in the attached regulations; and by submitting, at a minimum, an annual recycling report by January 15 of each year beginning January 15, 1991 to the governing body of the municipality. The report shall document the amount of municipal waste generated per year as well as the type and weights of materials that were recycled on-site in the previous calendar year. Valid documentation shall include information from an end-user or recycler, which describes the type and weights of each recyclable material that was reused or marketed. Documentation may be in the form of one of the following: (a) copies of weight slips or statements which consolidate such information; (b) a report from the provider of recycling marketing services which identifies the amount of each material marketed. Only the weight of materials marketed by recycling can be credited to an establishment.

2. Providing for the collection of recyclable materials from commercial and institutional establishments and from certain community activities by a collector other than the Municipality or its authorized agent and by submitting by January 15 of each year beginning January 15, 1991, an annual report to the Municipality reporting the type and weight of the materials recycled during the previous calendar years. Valid documentation shall include information from an end-use, recycler, or waste hauler which describes the type and weights of each recyclable material that was collected and marketed. Documentation may be in the form of one of the following: (a) copies of weight receipts or statements which consolidate such information; (b) a report from the provider of recycling collection services which identifies the amount of each material collected and marketed. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its source-separated materials; or (c) a report from the provider of waste collection services that identifies the type and weight of each recyclable material collected and marketed in cases where recyclables are commingled with the

establishment's waste. The type and weights of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. For (b) and (c) where recyclables from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of materials marketed for recycling purposes can be credited to an establishment.

3. All employees, users (patrons), and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program shall describe the program's features and requirements, and should include at a minimum an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

SECTION VI. TIMES FOR COLLECTION

A. The resident, occupant or person in charge of the property from which recyclables are to be collected shall place all containers at the curb or each property line and Borough Street or alley, with reasonable compactness, no earlier than 6:00 P.M. on the day preceding the day designated for the collection and removal from such property. No such containers shall be placed on or in such a way as to block any sidewalk, walkway, street or alley. Collectors shall empty the containers in a clean manner so as not to foul the premises, street or alley.

B. The resident, occupant or person in charge of the property from which garbage and rubbish has been picked up shall remove or cause to be removed, the emptied containers from the curblines not later than 12:00 on the day pickup occurs.

C. All collection activity shall be conducted from Monday through Saturday between the hours of 6:00 A.M. and 6:00 P.M. unless prior approval or any exception has been granted by the Borough. No collection, hauling or transporting of collected material shall be permitted on Sunday.

SECTION VII. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Municipality or authorized collector pursuant to this Ordinance shall, from time of placement at the curb, become the property of the Municipality 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 VIII. 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 Manager 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 Municipality or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, each unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION IX. 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 location of a residence or commercial, municipal or institutional establishment without prior written permission from the Borough Manager or other entity responsible for authorizing collection of recyclable materials to make such a collection.

SECTION X. 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 in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Borough Manager in writing.

SECTION XI. ENFORCEMENT AND ADMINISTRATION

The Borough Manager is hereby authorized and directed subject to the approval of the Borough Council 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 Twenty-Five (\$25.00) nor more than One Thousand Dollars (\$1,000.00), and costs of prosecution for each and every offense.

SECTION XII. FRANCHISE OR LICENSE

The Municipality 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 or other authorized location.

SECTION XIII. 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 Municipality that such remainder shall be and remain in full force and effect.

SECTION XIV. MODIFICATIONS

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

SECTION XV. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by law.

Duly enacted and ordained this 17th day of September, 1990, by the Borough Council of the Borough of Castle Shannon, Allegheny County, Pennsylvania, in lawful session duly assembled.

ATTEST:




E.R. McFadden,
Borough Manager

BOROUGH OF CASTLE SHANNON




Donald J. Baumgarten,
President of Council

APPROVED AS TO FORM
AND LEGALITY:



Jack Hickton, Esquire
Solicitor

APPROVED:



Thomas P. O'Malley
Mayor

BOROUGH OF CASTLE SHANNON
ORDINANCE NO. 746 - APPENDIX

RECYCLING PROGRAM REGULATIONS

These regulations will govern the Borough of Castle Shannon Recycling Program as empowered by Section III of Ordinance No. 746, The Borough of Castle Shannon Recycling Ordinance.

1. SEPARATION, STORAGE AND COLLECTION OF RECYCLABLES BY RESIDENCES.

a. In addition to the provisions of the Borough of Castle Shannon Recycling Ordinance, residences shall be required to comply with the provision of the Castle Shannon Revised Recycling Calendar which is attached hereto as Exhibit A.

b. Residences shall be required to comply with all updated revisions of Exhibit A as and when those revisions are updated and made available to Borough residents.

2. SEPARATION, STORAGE AND COLLECTION OF RECYCLABLES BY MULTI-FAMILY HOUSING PROPERTIES.

a. Pursuant to the provisions of the Borough of Castle Shannon Recycling Ordinance, multi-family housing properties have the option of participating in the Borough operated recycling program as applicable for all residences within the Borough or

establishing their own recycling program. If the multi-family housing property chooses to participate in the Borough operated recycling program then it must also participate in the Borough regular trash collection program.

b. If a multi-family housing property chooses to participate in the Borough operated recycling program, then it will be governed by the regulations applicable to all other residences within the Borough. See No. 1 above.

c. If a multi-family housing property chooses not to participate in the Borough operated recycling program then it will be governed by the provisions of the Borough of Castle Shannon Recycling Ordinance, Section V.

3. SEPARATION, STORAGE AND COLLECTION OF RECYCLABLES BY COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND AT COMMUNITY ACTIVITIES.

a. Commercial, municipal and institutional establishments and community activities shall be required to recycle in accordance with the provisions of the Borough of Castle Shannon Recycling Ordinance, the following items:

- High grade office paper
- Aluminum
- Bi-metal cans
- Corrugated paper
- Leaf waste
- Clear and colored glass (applicable to restaurants and bars only)

4. All establishments required to submit an annual report to the Borough shall do so in accordance with the Ordinance on forms supplied by the Borough upon request.