

**BOROUGH OF CASTLE SHANNON**

**ORDINANCE NO. 938**

**AN ORDINANCE OF THE BOROUGH OF CASTLE SHANNON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND RESTATING ORDINANCE NUMBER 746, KNOWN AS THE "CASTLE SHANNON RECYCLING ORDINANCE" PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF**

WHEREAS, pursuant to the authority vested in the Borough of Castle Shannon (the Borough) by the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act and the Pennsylvania Borough Code, the Borough enacted Ordinance Number 746 regulating the collection, and recycling of recyclable materials in the Borough, and

WHEREAS, the Borough Council has determined that it is prudent and advisable to amend and restate Ordinance Number 746, for the health, safety and welfare of the residents of the Borough.

NOW, THEREFORE, the Borough Council of the Borough of Castle Shannon, Allegheny County, Pennsylvania, hereby enacts and ordains as follows:

**COLLECTION AND RECYCLING OF WASTE**

- §101. Title
- §102. Definitions
- §103. Establishment of Program/Grant of Power
- §104. Lead Acid Batteries
- §105. Separation and Collection
- §106. Times for Collection
- §107. Ownership of Recyclable Material
- §108. Collection by Unauthorized Persons
- §109. Existing Recycling Operations
- §110. Recycling of Materials
- §111. Enforcement and Administration
- §112. Franchise of License
- §113. Modifications
- §114. No Conflict With General Police Powers
- §115. Severability
- §116. Effective Date

§101. TITLE.

1. The short title of this Ordinance shall be the "Borough of Castle Shannon Recycling Ordinance" and the same may be cited in that manner.
2. Any previous Ordinances or Resolutions, or any part thereof, which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, provided that such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance.

§102. DEFINITIONS.

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

ACT 101- the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

ALUMINUM- empty all aluminum beverage or food cans.

BI-METAL CONTAINERS - empty food or beverage containers consisting of steel and aluminum.

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

COMMERCIAL ESTABLISHMENTS- those properties used primarily for commercial or industrial purposes.

COMMUNITY ACTIVITIES - 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 - structural paper material with an inner core shaped in rigid parallel furrows and ridges.

FERROUS CONTAINERS - empty steel or tin coated food or beverage containers.

GLASS CONTAINERS- 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. Please consult contracted hauler's website for program inclusion.

HIGH GRADE OFFICE PAPER- all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT - 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 - includes, but is not limited to, automotive, truck and industrial batteries that contain lead.

LEAF WASTE - leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

MAGAZINES and PERIODICALS -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 DWELLING – A building, with more than 4 residential units, constituting a single property and the lot or parcel of land on which such building or buildings is located.

MUNICIPAL ESTABLISHMENT - 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 - the Borough of Castle Shannon.

NEWSPAPERS - 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.

PERSON(S)- owners, lessees and occupants of residences and commercial, municipal and institutional establishments.

PLASTIC CONTAINERS - empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Borough may stipulate specific types of plastic which may be recycled.

RECYCLABLE MATERIALS - materials generated by residents and commercial, municipal and institutional establishments which are specified by the Borough 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 elected by the Borough or specified in future revisions to Act 101. The recyclable materials selected by the Borough may be revised from time to time as deemed necessary by the Borough. A list of accepted recyclable materials can be found on the contracted haulers web site.

RECYCLING - 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.

RESIDENCE- any occupied single or multifamily dwelling.

SOURCE SEPARATED RECYCLABLE MATERIALS- those materials separated at the point of origin for the purpose of being recycled. Please consult contracted hauler's web site for items accepted in the program.

WASTE - 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 Pennsylvania Department of Environmental Protection for beneficial use.

2. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

3. The definitions contained in the Borough of Castle Shannon Solid Waste Ordinance are incorporated herein by reference. In the event of an inconsistency, the definitions in this Ordinance shall control with regard to the Borough's recycling program.

#### §103. ESTABLISHMENT OF PROGRAM/GRANT OF POWER.

1. The Borough 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 Borough 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 Borough, 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.

2. The Borough Council is empowered to make changes to program regulations as necessary, as described in §111. Subsequent changes in the program regulations may be made through approval of the Borough Council and public notice and notification of all affected parties.

3. This Ordinance is ordained pursuant to the Borough Code.

#### §104. LEAD ACID BATTERIES.

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

#### §105. SEPARATION AND COLLECTION.

1. All persons who are residents of the Borough shall separate all of those recyclable materials designated by the Borough 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.

2. Persons in residences in residential dwellings must separate recyclable materials from other refuse. Recyclable materials from residential dwellings shall be placed at the curbside in containers provided by the Borough for collection. Any containers provided by the Borough to residences for collection of recyclable materials shall be the property of the Borough 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 Borough 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 allocated such container(s) shall be in violation of this Ordinance.

- a. Any person storing municipal waste for collection shall comply with the following storage standards:
  - i. Containers shall be kept tightly covered at all times. Recyclables shall not protrude or extend above the top of the container.
  - ii. Containers shall be used and maintained so as to prevent public nuisances.
  - iii. Containers shall be placed by the owner or customer at a collection point specified by the Borough or its designated representative.
  - iv. With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all times. No container shall be placed in front of the building line of a dwelling or other building except during the times designated herein.
  - v. The storage of all recyclable materials from multifamily residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Ordinance. The type, size and placement requirements for bulk containers

shall be determined by the waste generator and the contracted waste hauler and are subject to approval by the Borough.

3. An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four 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 noncompliance of occupants of their buildings.

If recyclable materials are collected by a collector other than the Borough 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 Borough 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.

4. 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.

5. Persons must separate all of those recyclable materials, identified as acceptable as stated above, 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 subsection by either of the following:

A. Providing for the onsite recycling of materials deemed appropriate by the Borough 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 Borough Council. The report shall document the amount of municipal waste generated per year as well as the type and weights of materials that were recycled onsite in the previous calendar year. Valid documentation shall include information from an end-user or recycler, which describes the type and weight of each recyclable material that was reused or marketed.

B. Providing for the collection of recyclable materials from multifamily housing properties, commercial and institutional establishments and from certain community activities by a collector other than the Borough or its authorized agent and by submitting by January 15 of each year, beginning January 15, 1991, an annual report to the Borough 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 types and weights of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. For subsections (2) and (3), 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.

6. 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(s) that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

7. Collection Schedule. Recyclable materials will be collected by the Borough's contracted hauler every-other-week or as otherwise designated by the Borough. The collection schedule can be found on the Borough's web site and printed copies can be obtained at the Borough office.

#### §106. TIMES FOR COLLECTION.

1. The resident, occupant or person in charge of the property from which recyclables are to be collected shall place all collection containers at the curb or each property line and Borough street or alley, with reasonable compactness, no earlier than 4:00 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.

2. 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 midnight on the day pickup occurs.

3. 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.

#### §107. OWNERSHIP OF RECYCLABLE MATERIAL.

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 §108 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.

#### §108. COLLECTION BY UNAUTHORIZED PERSONS.

It shall be a violation of this Ordinance for any person, firm or corporation, other than the Borough 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 Borough 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 establishment on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

#### §109. 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.

#### §110. 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.

#### §111. ENFORCEMENT AND ADMINISTRATION.

1. 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 containers to be used for recycling.
- E. Establishing procedures and rules for the collection of leaf waste.

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

3. Except as hereinafter provided, any person; firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

#### §112. FRANCHISE OF 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 or other authorized locations.

#### §113. MODIFICATIONS.

The Borough may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in §110.

#### §114. NO CONFLICT WITH GENERAL POLICE POWERS

Nothing in this Ordinance shall limit in any fashion whatsoever the Borough's power to enforce its Ordinances or the laws of the Commonwealth of Pennsylvania. Nothing in this Ordinance shall constitute a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any law or ordinance.

#### §115. SEVERABILITY

If any provision of this Ordinance is determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of the Ordinance and the remaining portions of the Ordinance shall remain in full force and effect.

#### §116. EFFECTIVE DATE

This Ordinance shall enter into effect on immediately upon final enactment provided that the provisions of this Ordinance requiring the use of a collection container or Roll-out Cart provided


by the Borough or its contracted waste hauler for the storage and collection of municipal waste shall enter into effect at such time as the Borough Manager notifies Borough Council, in writing, that the required Roll-out Carts have been provided to the Borough residents as necessary to implement that requirement.

ORDAINED and ENACTED into law by the Council of the Borough of Castle Shannon on this 26th day of February, 2024.

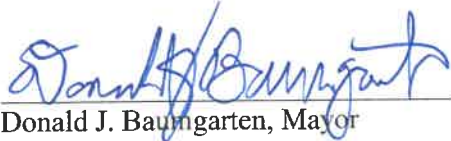
ATTEST:

  
\_\_\_\_\_  
C. Michael Foote  
Borough Manager/Secretary

BOROUGH OF CASTLE SHANNON

  
\_\_\_\_\_  
Nancy Kovach  
President of Council

EXAMINED AND APPROVED on the 26th day of February, 2024.

  
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Donald J. Baumgarten, Mayor