

ORDINANCE NO. 1990-5

MUNICIPALITY OF UNION TOWNSHIP

RECYCLING ORDINANCE

AN ORDINANCE TO ESTABLISH A PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS FROM HOMES, APARTMENTS, AND OTHER RESIDENTIAL ESTABLISHMENTS, FROM COMMERCIAL, MUNICIPAL, AND INSTITUTIONAL ESTABLISHMENTS, AND FROM COMMUNITY ACTIVITIES FOR RECYCLING PURPOSES; TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; TO EMPOWER THE MUNICIPALITY TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREFORE; AND TO FIX PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Board of Supervisors, Union Township, recognizes the need and desire to provide for the conservation of recyclable materials because of the municipality's concern over the disposal of solid waste and its impact on the environment; and

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 of Pennsylvania 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, there is an increasing necessity to conserve natural resources and energy; and

WHEREAS, the collection of recyclable materials from residences, from commercial, municipal, and institutional establishments, and from community activities promotes the general public interest;

NOW, THEREFORE, BE IT ORDAINED, by the BOARD OF SUPERVISORS, UNION TOWNSHIP in the County of Lawrence, Commonwealth of Pennsylvania, as follows:

Section 1. TITLE

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

Section 2. DEFINITIONS

As used in this Ordinance:

Aluminum Cans shall mean empty all-aluminum beverage and food containers.

Bimetallic Cans shall mean empty food and beverage containers consisting of ferrous sides and bottom and an aluminum top.

Commercial Establishments shall mean those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing four or more dwelling units.

Community Activity shall mean an activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by 200 or more members of the public per day, whether or not an entrance or participation fee is charged therefor.

Corrugated Paper shall mean that structural paper material consisting of two or more pieces of kraft liner separated by a corrugated inner core shaped in rigid parallel furrows and ridges. Excluded are materials without a corrugated interliner, and those materials with a corrugated liner made from rice or other nonwood-based materials.

Curbside Collection shall mean the collection by the municipality or its authorized agent(s) of recyclable materials placed at the curbside or other designated location.

Ferrous Cans shall mean empty steel or tin food or beverage containers.

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, however, are glossy advertising inserts and newspapers which have been soiled.

Person(s) shall mean owners, lessees and occupants of residences or commercial or institutional establishments.

Plastic Containers shall mean empty plastic food and beverage containers. Due to the large variety of types of plastics, the recycling regulations shall stipulate the specific types of plastic which may be recycled.

Recyclable Materials shall mean those materials specified by the municipality to be recycled. The list of materials shall be specified in the recycling regulations resulting from this Ordinance and may be revised from time to time as deemed necessary by the municipality.

Residence shall mean any occupied single or multi-family dwelling from which a municipal or private waste hauler collects solid waste.

Solid Waste shall mean all refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler. The term does not include source separated recyclable materials or material approved by the Pennsylvania Department of Environmental Resources for beneficial use.

Steel Cans shall mean empty food or beverage containers made of steel or tin-coated steel.

Yard Waste shall mean prunings, grass clippings, weeds, leaves and garden waste.

Section 3. ESTABLISHMENT OF PROGRAM

There is hereby established by Union Township, hereinafter referred to as the municipality, a program that mandates that recyclable materials shall be kept separate from solid waste by all persons within the municipality.

**Section 4. SEPARATION OF RECYCLABLES AND LEAF WASTE
AND PLACEMENT FOR COLLECTION**

Recyclable materials and leaf waste shall be kept separate from solid waste and placed by residences at the curb (or in areas designated by the municipality), for collection at such times and dates as may be hereinafter established by regulations. Commercial, municipal and institutional establishments and community activities and multi-family housing properties shall establish programs for the separation, storage and collection of recyclables and leaf waste in a manner in accordance with hereinafter established regulations.

Section 5. PUBLIC INFORMATION AND EDUCATION PROGRAM

The municipality shall establish a public information and education program to directly inform residences of their recycling responsibilities. In accordance with hereinafter established regulations, a public information and education program for employees, guests, residents and members of the general public on the premises shall be established at commercial, municipal and institutional establishments, community activities and multi-family housing properties.

Section 6. COLLECTION BY UNAUTHORIZED PERSON(S)

It shall be a violation of this Ordinance for any person(s) unauthorized by the Municipality to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

Section 7. ENFORCEMENT AND ADMINISTRATION

The Municipality is authorized and directed to enforce this Ordinance. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this Ordinance. The Municipality may change, modify, repeal or amend any portion of said rules and regulations at any time.

Section 8. VIOLATION AND PENALTY

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Ordinance, or any regulation thereof, shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) upon a first conviction and Three Hundred (\$300.00) Dollars upon a second or subsequent conviction. The above fines shall not be applicable to a conviction for Section 6 hereof which shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars. No enforcement of Section 4 of this Ordinance shall be made until three (3) months from the effective date of regulations authorized to be promulgated hereunder.

Section 9. FRANCHISE OR LICENSE

The Municipality may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside or elsewhere as designated by the municipality.

Section 10. ALTERNATIVE COLLECTION OF RECYCLABLE MATERIALS

Any person may donate or sell recyclable materials to individuals or organizations. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days by the Municipality. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled curbside collection day.

Section 11. SEVERABILITY

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, sentence or part of this Ordinance directly involved in the controversy in which such judgement shall have been rendered.

Section 12. AUTOMATIC 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.

Section 13. EFFECTIVE DATE

Sections 6, 7, 8 and 9 of this Ordinance shall take effect immediately upon passage, all other sections shall take effect upon establishment of the recycling regulations.

Approved October 18, 1990

Cathy R. Schmidt Sec.
Kevin M. Hussman
