

INTRODUCED 3-14-19

BY Supervisor Carson

ENACTED 4-11-19

ORDINANCE NO. 2019-1

TOWNSHIP OF CONNELLSVILLE RECYCLING ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF CONNELLSVILLE, FAYETTE 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 due to 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;

The Township of Connellsville hereby ordains as follows:

SECTION I. TITLE

The short title of this ordinance shall be the "Township of Connellsville 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 all empty aluminum beverage or food cans.

Bi-metal Containers shall mean empty food or beverage containers consisting of steel and aluminum, and cans commonly referred to as “tin” cans.

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

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

Supervisors shall mean the Board of Supervisors of the Township of Connellsville.

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 materials 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 Establishments 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.

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, colored 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. In any provisions of this Ordinance prescribing a fine, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plastic Bags shall mean any container used for carrying, storing or disposing of groceries, wearing apparel, other retail/wholesale purchased items and yard waste.

Plastic Containers (PET) shall mean containers used for soft drinks.

Plastic Containers (HDPE) shall mean containers used for milk, clothes and dish washing soaps and other cleaning products.

Recyclable Materials shall mean materials generated by residences and commercial, municipal and institutional establishments which are specified by the Township 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 Township or specified in future revisions to Act 101. The recyclable materials selected 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 use 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-family dwelling, duplex or double house for which the Township provides municipal waste collection service.

Secretary/Manager shall mean the Secretary/Manager or Assistant Secretary/Manager of the Township.

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

Super Mix Paper shall mean an unseparated mix of all recyclable grades and types of paper items used in offices for which one-unit price is offered by a recycling broker or market.

Township shall mean the Township of Connellsville.

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

Specific program regulations are provided as an attachment to this Ordinance. The Supervisors are 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 Supervisors.

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 Township shall separate all of those recyclable materials designated by the Township 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 Township for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Township and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Township shall be responsible for returning the allocated container(s) to the Township or shall pay the replacement cost of the Township container. 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.

Residents may, if necessary, purchase additional containers of their choosing for recyclable materials. However, any such container must bear the self-adhesive recycling logo label. The labels are available at the Township office free of charge.

2. An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four (4) units, not serviced by the Township program, shall 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. Leases shall contain provisions requiring occupants to comply with recycling laws and regulations.

If recyclable materials are collected by a collector other than the Township or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the

Township 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 multi-family housing property.

B. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection. Leaf waste must be composted, either at the home of the resident or with the Township, working with their schedule.

C. Commercial, industrial, multi-family and other entities not serviced by the Township Collector must separate high grade office paper, aluminum, corrugated paper, leaf waste, clear, green and brown glass and such other materials as may be designated by the Township generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection and provide for collection and removal of Recyclable Materials periodically as mandated in Township regulations.

These entities shall:

1. Provide for the recycling of high-grade office paper, aluminum, corrugated paper, leaf waste, clear, green and brown glass, and other materials deemed appropriate by the Township.

2. Submit, at a minimum, an annual recycling report to the Secretary/Manager of the Township. The report shall document the amount of municipal waste generated per year as well as the type and weight of materials that were recycled in the previous calendar year. Valid documentation shall include information from an end-use, recycler, or waste hauler which describes the type and weight 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 co-mingled with the establishment's waste. The type and weight 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.

If recyclable materials are collected by a collector other than the Township or its authorized agent, occupants of said establishments shall submit an annual report to the Township reporting the type and weight of materials recycled during the previous calendar 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 establishment.

All employees, users (patrons), and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should 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 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. OWNERSHIP OF RECYCLABLE MATERIALS

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

It shall be a violation of this Ordinance for any person, firm or corporation, other than the Township or one authorized by the Township 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 Township or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, 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 VIII. 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 Township or other entity responsible for authorizing collection of recyclable materials to make such a collection.

SECTION XII. 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 XIII. MODIFICATIONS

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

SECTION XIV. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by law. ORDAINED AND ENACTED by the Board of Commissioners of the Township of Connellsville at a duly assembled public meeting held the 11th day of April, 2019.

ATTEST:

Darla Hann

Secretary, Darla Hann

BOARD OF SUPERVISORS, CONNELLSVILLE
TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA

Todd Miner

Todd Miner, Chairman

Donald Hann

Donald Hann, Vice Chairman

Robert W. Carson

Robert Carson, Supervisor

I hereby certify that the foregoing Ordinance was advertised in the Daily Courier on, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of the Connellsville Township Board of Supervisors held on April 8, 2019.

Darla Hann

Secretary, Darla Hann