

ORDINANCE #15 OF 1994

BOROUGH OF THROOP PENNSYLVANIA
RECYCLING ORDINANCE

AN ORDINANCE OF THE BOROUGH OF THROOP, LACKAWANNA COUNTY, PENNSYLVANIA ESTABLISHING A RECYCLING PROGRAM PROVIDING FOR REGULATIONS GOVERNING SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS FOR RESIDENCES, COMMERCIAL AND MUNICIPAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES, AND MULTI-FAMILY HOUSING PROPERTIES; TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS INTO CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, The Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Deduction 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 recyclable materials; and

WHEREAS, Conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment; and

WHEREAS, The adoption and implementation of recycling will effect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF THROOP, COUNTY OF LACKAWANNA, COMMONWEALTH OF PENNSYLVANIA BY THE AUTHORITY OF THE SAME,

THAT:

SECTION 1. : TITLE

This Ordinance shall henceforth be entitled the "Borough of Throop Recycling Ordinance" and the program which it encompasses shall further be known as the "Borough of Throop Recycles".

SECTION 2. : DEFINITIONS

The following words or phrases when used throughout this Ordinance shall have the meanings ascribed to them as stipulated in this Section, unless the context of this Ordinance clearly indicates otherwise:

ALUMINUM - Products made of aluminum including aluminum beverage cans, foil, and containers for prepared dinners or other foods.

BIMETALLIC CONTAINERS - Shall mean empty food and beverage containers consisting of ferrous metal and aluminum.

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

COMMUNITY ACTIVITIES - Shall mean 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 100 or more individuals per day.

CORRUGATED PAPER - Shall mean that material consisting of two or more pieces of kraft liner separated by corrugated liner board having rigid parallel furrows or flutes which provide structural support.

CURBSIDE COLLECTION - Shall mean the collection by the municipality or its duly authorized agent(s) of recyclable materials placed at the curbside or other designated location.

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

GLASS CONTAINERS - Shall mean bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass, along with porcelain and ceramic products.

HIGH GRADE OFFICE PAPER - Shall mean that paper collected from commercial, institutional, and municipal establishments that was discarded from xerographic copiers, non-thermal computer printers, general office use forms, memos and correspondence and from print shops and other commercial printing processes.

INSTITUTIONAL ESTABLISHMENTS - Shall mean those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

LEAD ACID BATTERIES - Shall mean batteries that contain lead and are used for automotive, vehicular, boating or industrial purposes.

LEAF WASTE - Shall mean leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but shall NOT include 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 ESTABLISHMENTS - Shall mean public facilities operated by the municipality and other governmental and quasi-governmental authorities.

MUNICIPALITY - Shall mean the Borough of Throop.

NEWSPAPER - Shall mean paper of the type commonly referred to as newspaper and is distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.

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

PLASTIC CONTAINERS - Shall mean empty plastic food and beverage containers. Due to the large variety or types of plastic, the regulations found herein and/or attached thereto may stipulate specific types of plastic which may be recycled.

RECYCLABLE MATERIALS - Shall mean source separated recyclable materials, including materials listed in § 1501 of Act 101, and materials identified by the municipality to be recycled.

RESIDENTIAL DWELLING - Shall mean any occupied single-family dwelling having up to four (4) dwelling units per structure for which the municipality provides municipal solid waste collection service.

SOLID 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. Excluded is source separated recyclable materials or material approved by the municipality for beneficial use.

YARD WASTE - Shall mean prunings, grass clippings, weeds, leaves and garden waste.

SECTION 3: - ESTABLISHMENT OF RECYCLING PROGRAM THERE IS HEREBY ESTABLISHED IN THE BOROUGH OF THROOP, A RECYCLING PROGRAM, MANDATING THE SEPARATION, STORAGE AND COLLECTION OF MATERIALS AS FOLLOWS:

A.) Material to be separated, stored and collected:

Each occupant or owner of a residential dwelling, multi-family housing property, commercial and institutional establishment for which the municipality provides municipal solid waste collection service, shall separate from solid waste and prepare for collection at such times and dates as may be hereinafter established by regulations:

- (1) GLASS - Clear, brown or green bottles and jars only. Lids must be removed. Containers shall be rinsed in clean water labels may be left on. This shall no include mugs, cups, mirrors, window glazing, pyrex, light bulbs, vases or ceramics.
- (2) ALUMINUM - Beverage cans, pie plates, food trays shall be rinsed in clean water and flattened. This shall not include aluminum siding, lawn chairs, rain gutters, aerosol spray cans, foil, paint cans, can lids or automotive parts.
- (3) NEWSPAPER - Shall be tied both lengthwise and widthwise in easy to manage bundles, or places in brown paper bags and kept dry.

(4) **PLASTIC** - Bottle and jar containers only, such as milk, water, soda, detergent, shampoo with numbers 1, 2 or 3 inside the recycling symbol this shall not include motor oil bottles, cups, flowers, pens, toys, ~~starflower~~, bags or plastic wrap. *STYROFOAM*

(5) **LEAVE WASTE** - Leaves from trees, bushes and other plants, garden residue, shipped shrubbery and tree trimmings.

B.) **Separation, Storage and Collection by Residences**

(1) Each occupant or owner of a residential dwelling which has its municipal waste collected by the Borough or its designated agent shall separate, store and place curbside for collection by the Borough, or its designated agent the recycles specified in Subsection "A" above, according to the separation requirements and collection schedules prescribed by the Borough.

(2) **Receptacle Requirements:**

The receptacle shall be a heavy plastic watertight container that will prevent access of flies, insects, precipitation and rodents to the contents. The same shall be covered at all times and shall have a capacity of not more than 18 gallons. Receptacles shall be those issued by the Borough for recycling purposes and shall bear a specific serial number which will be recorded by respective property location and kept on file by the Street Commissioner. The Street Commissioner is authorized to prescribe the use of alternate receptacles for a particular situation upon request. Such request shall be in writing and shall be generated by the respective property owner and/or occupant. Where alternate receptacles are approved they shall be supplied by the occupant of the respective residence.

Receptacles shall be placed curbside prior to the scheduled collection day and shall be readily accessible to the collector. Recyclables shall be placed outside no earlier than the day immediately preceding the respective scheduled collection day. All empty containers shall be removed from the curb no later than 7:00 p.m. on the day of collection. The occupant and/or resident shall keep receptacles clean and in condition for safe handling.

C.) Separation, Storage and Collection of Recyclable Material from Multi-Family Housing Properties:

All multi-family housing properties as regulated herein which do not receive municipal waste collection by the Borough or its agents, shall separate and store in receptacles as described above, recyclable materials and shall otherwise provide for collection thereof, but not less often than once per month. An owner, landlord or agent of a property is hereby allowed to comply with this provision by establishing a collection system for such materials at each property to include leaf waste plastic and at least two of the following types of recycles: clear glass, colored glass, newspaper, aluminum, corrugated paper and bimetallic cans. The collection system must include suitable containers, easily accessible locations for the collector and written instructions to the occupants concerning the use and schedule of the said system. Owners, landlords and agents who comply with this Section shall not be liable for the non compliance of occupants. Each system shall provide the Borough Annually, with written evidence of compliance herewith, and tonage of said materials recycled.

D.) Separation, Storage and Collection of Recyclables by Municipal Establishments:

All municipal establishments shall separate, store and place for collection by the Borough or authorized agent as scheduled, the following materials in approved receptacles, separate from municipal waste: Highgrade office paper, aluminum, corrugated paper, plastic, newspaper and leaf waste.

E.) Separation, Storage and Collection from Commercial or Institutional Establishments and Community Activities.

Each commercial and/or institutional establishment and community activity which does not receive municipal solid waste collection by the Borough or its agents shall separate and store the following recyclable materials in receptacles, and shall provide for

collection thereof, but not less often than once per month: high grade office paper, corrugated paper, aluminum and leaf waste; and, may recycle other materials listed elsewhere in this Ordinance. Each entity shall provide annually to the Borough, written documentation of compliance with such and the tonage of said materials recycled.

SECTION 4: DISPOSAL OF RECYCLABLES

The Borough of Throop shall utilize the personnel and equipment of the Department of Public Works to Collect Recyclables, which shall be sent pursuant to contract, to the Lackawanna County Recycling Center. No other person shall collect recycles from eligible residences without the express written consent of the Borough of Throop. If the Center is not available, then the governing body is hereby authorized to seek bids, negotiate, and enter into agreements to provide disposal of such recycles, until such a time as the center is available.

Recyclables collected by other collectors shall be taken to an approved recycling facility. No person shall dispose of recycles in landfills, in municipal waste or by incineration. Nothing herein is intended to terminate or modify the Borough's existing municipal waste agreement and shall regard such as distinct from recyclables.

SECTION 5: LEAD ACID BATTERIES

No person shall dispose of lead acid batteries with municipal waste or other recyclables. Said batteries shall be disposed of at an approved recycling center, or returned to the retailer of origin, or exchanged at the retailer when a new one is purchased.

SECTION 6: REGULATIONS

The governing body or the Street Commissioner is hereby authorized to promulgate regulations and set schedules consistent with this Ordinance.

SECTION 7: OWNERSHIP OF RECYCLABLE MATERIAL

All recyclable materials placed by any resident for collection by the Borough or its authorized agent pursuant to this Ordinance, shall immediately become the property of the Borough, unless another collector has been authorized by the owner, and, the Borough is notified of such by written correspondence at least 30 days in advance and agrees to said collection in writing.

Each unauthorized collection from a residence in violation hereof shall constitute a separate offense punishable as provided hereinafter. Nothing herein is intended to restrict existing recycling operations, however, such operations must inform the Borough annually, of the number of tons of each type of material recycled.

SECTION 8: ENFORCEMENT AND PENALTIES

A) The Police Department, Street Commissioner or Zoning Officer are hereby authorized to enforce this Ordinance and regulations thereunder. Any Department of Public Works employee is authorized to give warnings only.

B) Any person, firm or corporation who shall violate any provision of this Ordinance, shall upon conviction for a first offense, be sentenced to pay a fine of not more than Twenty-five (\$25.00) dollars AND COSTS; AND, for any subsequent offense be sentenced to pay a fine of not more than Three Hundred (\$300.00) dollars AND COSTS OF PROSECUTION; or in default of payment, imprisonment for no more than Thirty (30) days. Warnings shall be given for violation of this Ordinance relating to separation and storage of recycles for 60 days from the effective date of this Ordinance.

C) The Borough reserves the right not to collect municipal solid waste containing recyclable materials commingled with non-recyclable materials.

SECTION 9: REPEALS AND SEVERABILITY

ARTICLE IV


ADOPTION

SECTION 10:


This Ordinance shall take full force and effect from the date of passage.

SECTION 11. Adoption Date

The date of adoption of this Ordinance was July 25, 1994.


President of Council


Municipal Secretary


Municipal Solicitor