

OFFICIAL

TOWNSHIP OF INDIANA

ORDINANCE NO. 252

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF INDIANA, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR ADMINISTRATION OF AND REGULATIONS GOVERNING COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS, REQUIRING ALL RESIDENCES WITH LESS THAN FOUR DWELLING UNITS TO UTILIZE THE DESIGNATED TOWNSHIP COLLECTOR, 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, Multi-Family Housing Properties, Commercial Establishments, Municipal Establishments and Institutional Establishments in the Township 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 Board of Supervisors of the Township of Indiana, in the County of Allegheny, Commonwealth of Pennsylvania, as follows:

§1063.01 TITLE

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

§1063.02 DEFINITIONS

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

- (a) Act 101 shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

- (b) Aluminum shall mean empty all aluminum beverage or food cans.
- (c) Bi-metal Containers shall mean empty food or beverage containers consisting of steel and aluminum.
- (d) Collector shall mean the entity or entities authorized by the Township to collect recyclable materials from Residences, or authorized by Multi-Family Housing Properties, Commercial Establishments, Municipal Establishments and Institutional Establishments that do not receive collection services from the Township to collect Recyclable Materials from those properties.
- (e) Commercial Establishments shall mean those properties used primarily for commercial or industrial purposes.
- (f) 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.
- (g) Corrugated Paper shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.
- (h) Dwelling Unit shall mean the unit characterized for occupancy as a residence, a family unit and having both kitchen facilities and sanitary facilities.
- (i) 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.
- (j) High Grade Office Paper shall mean all white paper, bond paper and computer paper used in Commercial Establishments, Institutional Establishments and Municipal Establishments and in Multi-Family Housing Properties and Residences.
- (k) 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.

- (l) Lead Acid Batteries shall include but not be limited to automotive, truck and industrial batteries that contain lead.
- (m) Leaf Waste shall mean leaves from trees, bushes and other plants, garden residues, clipped shrubbery and tree trimmings, but not including grass clippings.
- (n) Manager shall mean the Township Manager.
- (o) Multi-Family Housing Property shall mean any property having four (4) or more Dwelling Units per structure.
- (p) Municipal Establishment shall mean public facilities operated by the Township and other governmental and quasi-governmental authorities.
- (q) Municipal Waste shall mean any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of Residences, Multi-Family Housing Properties, Municipal Establishments, Commercial Establishments 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.
- (r) Person(s) shall mean any individual, partnership, corporation, association, institution, cooperative enterprise, state institution and agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine or penalty, or any combination of the foregoing, the term person shall include the officers and directors, the partners of a partnership and the members of an incorporated association.
- (s) Plastic Containers shall mean empty plastic food and beverage containers.

- (t) **Recyclable Materials** shall mean materials generated by Residences, Multi-Family Housing Properties, Commercial Establishments, Municipal Establishments 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 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.
- (u) **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.
- (v) **Residences** shall mean any occupied single or multi-family dwellings having up to four (4) Dwelling Units per structure for which the Township provides Municipal Waste collection service.
- (w) **Source Separated Recyclable Materials** shall mean those materials separated at the point of origin for the purpose of being recycled.
- (x) **Supervisors** shall mean the Board of Supervisors of the Township.
- (y) **Township** shall mean the Township of Indiana.
- (z) **Township Containers** shall mean those containers provided to Residences and Multi-Family Housing Properties that do not provide for their own Municipal Waste removal for the purpose of recycling.
- (aa) **Township Office** shall mean the Township Municipal Building located at P.O. Box 788, Indianola, Pennsylvania 15051.

§1063.03 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 composting of Leaf Waste from all Residences, Multi-Family Housing Properties, Commercial Establishments, Municipal Establishments and Institutional Establishments located in the Township for which Municipal 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 Collector operating in the Township and authorized to collect Recyclable Materials from Residences, Multi-Family Housing Properties, from Commercial Establishments, Municipal Establishments 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 Supervisors are empowered to make changes to program regulations as necessary, as described in §1063.10. Subsequent changes in the program regulations may be made through approval of the Supervisors by resolution and public notice and notification of all affected parties.

§1063.04 LEAD ACID BATTERIES

Disposal by Persons of lead acid batteries with other Municipal Waste or Source Separated Recyclable Materials is prohibited and shall be a violation of this Ordinance.

§1063.05 SEPARATION AND COLLECTION

- (a) All Persons who are residents of the Township shall separate all of those Recyclable Materials designated by the Township and Leaf Waste from all other Municipal Waste produced at their homes, apartments, other Residential and Multi-Family Housing Properties, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.
 - (i) Persons in Residences must separate Recyclable Materials and Leaf Waste, unless composting is otherwise provided, from other refuse. Recyclable Materials shall be placed at the curbside in Township Containers initially provided by the Township for collection. The Township or its agent shall collect such Recyclable Materials at least once per calendar month and shall collect Leaf

Waste from time to time, as the Township deems to be appropriate unless the Residence meets the definition of Multi-Family Housing Property and is in compliance with Paragraph (ii) below. Persons in such Residences must use the Collector authorized by the Township to collect Recyclable Materials as herein provided. Any Township 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 Township Container(s) to the Township or shall pay the replacement cost of said Township Container(s). If a Township Container is lost, destroyed or worn out, the Township will replace the same at a nominal fee to cover its cost. Use of Township Containers for any purpose other than the designated recycling program or use of the Township Containers by any Person other than the Person allocated such Township Container(s) shall be a violation of this Ordinance.

- (ii) An owner, landlord, manager or agent of an owner, landlord or manager of a Multi-Family Housing Property 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 Recyclable Materials and Leaf Waste unless composting is otherwise provided, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. All Recyclable Materials and Leaf Waste shall be collected by the Collector designated by the owner, landlord, manager or agent of the owner, landlord or manager of the Multi-Family Housing Property. Recyclable Materials other than Leaf Waste shall be collected at least once per month.

An Owner, landlord and agent of an owner or landlord of a Multi-Family Housing Property shall submit an annual report to the Township reporting the tonnage of materials recycled during the previous calendar year on or before February 15 each year. This requirement may be fulfilled by submission of a letter or form from the Collector which certifies that Recyclable Materials and Leaf Waste are being collected from the Multi-Family Housing Property and indicating the annual tonnage of such materials.

- (b) Persons must separate High Grade Office Paper, Aluminum, Corrugated Paper, Leaf Waste and such other materials as may be designated by the Township generated at Commercial Establishments, Municipal Establishments, and Institutional Establishments and from Community Activities and store such Recyclable Materials until collection. Such Recyclable Materials and Leaf Waste shall be collected by the Collector designated by the Commercial Establishment, Municipal Establishment or Institutional Establishment or Community Activity. Recyclable Materials, other than Leaf Waste, shall be so collected at least once per month.

Occupants of said establishments shall submit an annual report on or before February 15, to the Township reporting the 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 and Leaf Waste are being collected from the establishment and the tonnage of such materials for the previous year.

Persons in Commercial Establishments, Municipal Establishments, Institutional Establishments and Community Activities may be exempted from this Ordinance if such Persons otherwise provide for the recycling of High Grade Office Paper, Aluminum, Corrugated Paper, Leaf Waste and other materials designated by the Township. To be eligible for such exemption, such Persons must have a commercial or institutional solid waste generator provide written information to the Township annually, on or before February 15,

evidencing the types of and tonnage of materials recycled. 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 Collector of such materials which identifies the type and amount of each material collected and marketed; or (c) a report from the Collector of such materials that identifies the type and weight of each such material collected and marketed in cases where recyclables are commingled with the establishment's Municipal 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.

§1063.06 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 §1063.08 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.

§1063.07 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 Supervisors or other entity responsible for providing for collection of Recyclable Materials, to collect Recyclable Materials placed by Residences and Multi-Family Housing Properties, or Commercial Establishments, Municipal Establishments and Institutional Establishments for collection by the Township or authorized Collector, unless such person, corporation or firm has prior written permission from the generator to make such collection and such collection occurs from a site other than a Residence with three (3) or fewer Dwelling Units. In violation hereof, unauthorized collection from one or more Residences, Multi-Family Housing Properties, Commercial Establishments, Municipal Establishments or Institutional Establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

§1063.08 EXISTING RECYCLING OPERATIONS

Any Residence, Multi-Family Housing Property, Commercial Establishment, Municipal Establishment or Institutional Establishment may donate or sell Recyclable Materials to any Person, whether operating for profit or not, provided that the receiving Person, shall not collect such donated Recyclable Materials from any collection point except that collection from a Multi-Family Housing Property, Commercial Establishment, Municipal Establishment or Institutional Establishment may occur upon obtaining prior written permission from the entity responsible for authorizing collection of Recyclable Materials at such site.

§1063.09 RECYCLING OF MATERIALS

Disposal by Persons of Recyclable Materials and Leaf Waste with Municipal Waste 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 to be burned in incinerators is prohibited.

§1063.10 ADMINISTRATION

The Manager is hereby authorized and directed 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 Multi-Family Housing Properties, and additional Recyclable Materials to be separated by Commercial Establishments, Municipal Establishments 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.

§1063.11 ENFORCEMENT

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 Three Hundred Dollars (\$300.00), and costs of prosecution for each and every offense.

The Township reserves the right not to collect Municipal Waste containing Recyclable Materials and/or Leaf Waste in combination with non-recyclable materials.

§1063.12 FRANCHISE OR LICENSE

The Township may enter into (an) agreement(s) with public or private agencies or firms to authorize them to act as Collectors of the Recyclable Materials and Leaf Waste from curbside.

§1063.13 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.

§1063.14 MODIFICATIONS

The Township may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in §1063.10.

§1063.15 EFFECTIVE DATE

This Ordinance shall take effect and be in force ten (10) days following enactment.

Enacted and Ordained this 12th day of November,
1991.

ATTEST:

TOWNSHIP OF INDIANA

Mitchell T. Konec
Secretary

By Worthy T. Claus
Mayor

APPROVED AS TO FORM:

Thomas R. Snyder
Solicitor

RECYCLING PROGRAM REGULATIONS

TOWNSHIP OF INDIANA

These regulations will govern the Township of Indiana Recycling Program as empowered by Section 1063.03 of Ordinance No. _____.

I. Separation of Recyclable Materials by Residences and Storage and Collection

All Persons in Residences shall recycle the following items:

- a. Aluminum cans
- b. Bimetal containers
- c. Glass containers (including clear, brown and green glass)
- d. Plastic Containers marked with "1" or "2" on the bottom.

(Items (a) through (d) are sometimes hereinafter collectively referred to as the "Designated Recyclable Materials"). In the event such Designated Recyclable Materials are to be collected by the designated Township Collector, all such Designated Recyclable Materials shall be rinsed prior to disposal and any lid or cap shall be removed from the same. However, labels need not be removed. The Designated Recyclable Materials shall then be placed in a Township Container. The designated Township Collector shall collect the Designated Recyclable Materials every other week at the same time it collects Municipal Waste. All Township Containers should be placed at curbside at those times for collection.

II. Separation of Recyclable Materials by Multi-Family Housing Properties and Storage and Collection.

All Persons in Multi-Family Housing Properties shall Recycle the Designated Recyclable Materials in the manner provided for in Section I above unless the owner or landlord or agent of either of them (any of whom are hereinafter referred to as the "Owner") of such Multi-Family Housing Property elects to recycle as provided in this Section or said Multi-Family Dwelling Unit is not serviced by the designated Township Collector. In such event, a mechanism for collection of Designated Recyclable Materials shall be implemented. Suitable containers shall be provided by the Owner for the collection of Designated Recyclable Materials at locations convenient to all Persons living in such Multi-Family Housing Property. Additionally, the Owner shall provide written instructions to such Persons, which instructions shall list the Designated Recyclable Materials, state how the Designated Recyclable Materials are to be prepared for recycling and indicate the times the Designated Recyclable Materials shall

be collected by the Collector selected by the Owner of such Multi-Family Housing Property. The Designated Recyclable Materials shall be collected at least monthly.

The Owner shall submit an annual report to the Township reporting the tonnage of materials recycled during the previous calendar year on or before February 15 each year. This requirement may be fulfilled by submission of a letter or form from the Owner's Collector which certifies that all of the Designated Recyclable Materials were and are being collected from the Multi-Family Housing Property and listing the tonnage of the same for the past calendar year.

III. Separation of Recyclable Materials by Commercial Establishments, Municipal Establishments and Institutional Establishments and at Community Activities and Storage and Collection.

All Persons at Commercial Establishments, Municipal Establishments and Institutional Establishments and at Community Activities shall recycle the following items:

- (a) High Grade Office Paper
- (b) Aluminum
- (c) Corrugated Paper

(Items (a) through (c) are sometimes hereinafter collectively referred to as the "Nonresidential Recyclable Materials"). A mechanism for collection of Nonresidential Recyclable Materials shall be implemented at each such establishment and Community Activity. All Commercial Establishments, Municipal Establishments and Institutional Establishments shall cause all Nonresidential Recyclable Materials to be collected at least once per month and shall submit annual reports regarding the tonnage of Nonresidential Recyclable Materials collected from such establishment or Community Activity for the previous calendar year on or before February 15. This requirement may be fulfilled by submission of a letter or form from the Community Activity or establishment's Collector which certifies that all of the Nonresidential Recyclable Materials were and are being collected from such Community Activity or establishment and listing the tonnage of the same for the past calendar year.

Persons in Commercial Establishments, Municipal Establishments, Institutional Establishments and Community Activities may be exempted from the requirements hereunder if such Persons otherwise provide for the recycling of the Nonresidential Recyclable Materials and Leaf Waste. To be eligible for such exemption, such Persons must notify the Township Manager in writing that such exemption is being claimed and must provide written information annually, on or before February 15, evidencing the types and tonnage of materials recycled for the previous calendar year. 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 Collector of such materials which identifies the type and amount of each material collected and marketed; or (c) a report from the Collector of such materials that identifies the type and weight of each such material collected and marketed in cases where recyclables are commingled with the establishment's Municipal 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.

IV. Separation and Collection of Leaf Waste.

All Persons in the Township shall either (a) compost or otherwise use, or, (b) gather for collection, all Leaf Waste from Residences, Multi-Family Housing Properties, Commercial Establishments, Municipal Establishments, Institutional Establishments and Community Activities. All such Leaf Waste gathered from Residences or Multi-Family Housing Properties serviced by the designated Township Collector, shall be disposed of in Leaf Waste bags provided by the Township at a slight cost per bag, as determined from time to time by the Supervisors, to such occupants of Residences and Multi-Family Housing Properties serviced by the designated Township Collector. The Leaf Waste bags shall be made available at the Township Office during the months of September, October and November. Such Leaf Waste bags shall be collected by the designated Township Collector in October and November during the last collection week of each month that the designated Township Collector collects Municipal Waste and should be placed at curbside for collection along with other Municipal Waste.

All Multi-Family Housing Properties not serviced by the designated Township Collector and all Commercial Establishments, Municipal Establishments, Institutional Establishments and Community Activities shall provide for, unless on-site composting is utilized, the collection of Leaf Waste from such sites for composting from time to time as is deemed to be necessary. Such Leaf Waste shall not be disposed of in landfills or resource recovery facilities.

V. Public Education Program.

Following implementation of the Township's recycling program, the Township shall provide public education on such program every six months by publishing educational information in the Township Newsletter. This information shall include a discussion of the Township's recycling requirements and any incentives and penalties set forth in the Township of Indiana Recycling Ordinance.

VI. Changes to the Regulations

Changes to these Regulations shall require approval from the Supervisors by resolution. No ordinance change shall be needed. Public notice will be required in advance of any program changes.

VII. Definitions in Regulations

Any capitalized term used in these Regulations but not defined herein shall have the meaning ascribed to such term in the Township of Indiana Recycling Ordinance.