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ORDINANCE No. 292

AN ORDINANCE OF THE TOWNSHIP OF KENNEDY, ALLEGHENY COUNTY, PENNSYLVANIA,
PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING COLLECTION AND RECYCLING OF
RECYCLABLE MATERIALS AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF. INCLUDES
AMENDMENT 296

SECTION VIII: COLLECTION BY UNAUTHORIZED PERSONS

SECTION VI: collection Required

ORDINANCE NO. 292

An Ordinance of the Township of Kennedy, Allegheny 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 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 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;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Kennedy in the County of Allegheny, State of Pennsylvania, as follows:

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

SECTION II RULES. The following rules of construction shall apply to this ordinance:

- A. For the purpose of this ordinance, certain terms and words are herein defined. Whenever used in this ordinance, they shall have the meaning indicated in this section, except where there is indicated in contrast a clearly different meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this ordinance, any caption or illustration, *the text* shall control.
- D. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- E. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

SECTION III. DEFINITIONS. The following words and phrases used throughout this Ordinance shall have the following meanings and where applicable, definitions are the same as Act 101 definitions:

Act 101 shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Aluminum shall mean empty all aluminum beverage or food cans.

Bi-metal Containers shall mean empty food or beverage containers consisting of steel and aluminum.

Board of Commissioners The Board of Commissioners of the Township of Kennedy.

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

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

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 material 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 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.

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, semi-solid 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 shall mean the Township of Kennedy.

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, color 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.

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

Recyclable Materials shall mean materials generated by residences and commercial, municipal and institutional establishments which are specified by the Municipality 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 Municipality or specified in future revisions to Act 101. The recyclable materials selected by the Municipality may be revised from time to time as deemed necessary by the Municipality.

Recycling Committee the body of individuals, whom the Board of Commissioners have delegated the duty to of designing, implementing and Administering the Kennedy Township Recycling Program. Said duties subject to the supervision and control of the Board of Commissioners.

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.

Residences shall mean any occupied single or multi-family dwellings having up to four (4) dwelling units per structure for which the Municipality provides municipal waste collection service.

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

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 IV. ESTABLISHMENT OF PROGRAM/GRANT OF POWER

The Municipality 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 Municipality for which waste collection is provided by the Municipality or any other collector. Collection of the recyclable materials shall be made at least once per month by the Municipality, its designated agent, or any other solid waste collectors operating in the Municipality 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.

Specific program regulations are provided as an attachment to this Ordinance. The Township of Kennedy is 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 Board of Commissioners and public notice and notification of all affected parties.

This Ordinance is ordained pursuant to the First Class Township Code.

SECTION V. 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 VI. SEPARATION AND COLLECTION

- A. All persons who are residents of the Municipality shall separate all of those recyclable materials designated by the Municipality 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

Municipality for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Municipality and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Municipality shall be responsible for returning the allocated container(s) to the Municipality 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 recycling containers by any person other than the person allocated such container(s) shall be a violation of this Ordinance.

2. An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four (4) units may comply with his/her 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 Municipality or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Municipality 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 as long as the hauler reports aggregate amounts of recyclables from these properties.

- B. 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.
- C. Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Municipality generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this paragraph by:
 1. Providing for the recycling of high grade office paper, aluminum, corrugated paper, leaf waste and other materials deemed appropriate by the municipality.
 2. Submitting, at a minimum, an annual recycling report to the governing body of the municipality. 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-user, 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 commingled 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 Municipality or its authorized agent, occupants of said establishments shall submit an annual report to the Municipality 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 the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program. Commercial, municipal and institutional establishments which generate more than 2,200 pounds of municipal waste per month should also implement a waste minimization opportunity assessment which includes:

1. Waste characterization, including source, generation rate, management techniques, and management costs. The assessment should expressly consider high-grade office paper, aluminum, corrugated paper, leaf waste and any other materials generated in significant quantities.

2. A description of all possible waste minimization options, including use and waste reclamation.
3. An evaluation of the economic and technical feasibility of each option and a ranking of each option.
4. An estimate of the pay back period for each feasible option.
5. A statement of which options will be implemented, including an explanation and a timetable.
6. Identification of the individual(s) who will be responsible for implementing the plan.

The waste minimization plan should be periodically updated. Implementation of the plan should include:

1. Recycling or composting of materials, to the greatest extent feasible, either privately or through a municipal recycling program.
2. Use, to the greatest extent feasible, of products and materials which are recyclable or made of post-consumer materials.
3. Substitution, to the greatest extent feasible, of durable and reusable products and materials for products that are not durable or reusable.
4. Appropriate education materials and signs should be made available to employees or the public to encourage participation in the recycling and waste reduction.

SECTION VII. OWNERSHIP OF RECYCLABLE MATERIALS

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

It shall be a violation of this Ordinance for any person, firm or corporation, other than the Municipality or one authorized by the Board of Commissioners 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 Municipality 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 IX. 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 Board of Commissioners or other entity responsible for authorizing collection of recyclable materials to make such a collection.

SECTION X. 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 to be burned in incinerators is prohibited.

SECTION XI. ENFORCEMENT AND ADMINISTRATION

The Recycling Committee is hereby authorized and directed to make reasonable rules and regulations (subject to the approval of the Board of Commissioners) 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 or recyclable containers.
- E. Establishing procedures and rules for the collection of leaf waste.

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 Municipality reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials.

SECTION XII. FRANCHISE OR LICENSE

The Municipality may enter into an agreement/agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

SECTION XIII. 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 know, and it is the intention of the Municipality that such remainder shall be and remain in full force and effect.

SECTION XIV. MODIFICATIONS

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

RECYCLING ORDINANCE NO. 292 - Regulations

These Regulations shall govern the Township of Kennedy Recycling Program as empowered by Section IV of Kennedy Township's Recycling Ordinance No. 292.

ARTICLE I

Separation of Recyclables by Residences and Storage and Collection:

- (a) **Materials to be Recycled:** The following materials shall be recycled by the residents of the Township of Kennedy: Aluminum, Bi-Metallic Cans, Clear and Colored Glass, and Leaf Waste.
- (b) **How Materials must be prepared and separated for Recycling:** Aluminum, Bi-Metallic Cans, Clear and Colored Glass shall be rinsed and cleaned prior to being placed out for collection. Said recyclable materials shall be comingled in one container appropriately designated as a recycling container.
- (c) **Where the Recyclable Materials are to be Placed for Collection:** With regard to each residence all recyclable materials shall be placed for collection at the curbside or as near as possible thereto in a convenient location for pickup .
- (d) **When Recyclable Materials will be Collected:** Collection of all recyclable materials shall be at least one (1) time per month.

ARTICLE II

Separation of Recyclables by Multi-Family Housing Properties and Storage and Collection:

- (a) **Materials to be Recycled:** The following materials shall be recycled by all multifamily Housing Properties within the Township of Kennedy: Aluminum, Bi-Metallic Cans, Clear and Colored Glass, and Leaf Waste.
- (b) **How Materials must be Prepared and separated for recycling:** Aluminum, Bi-Metallic Cans, Clear and Colored Glass shall be rinsed and cleaned prior to being placed

out for collection. Said recyclable materials shall be commingled in one (1) container appropriately designated as a recycling container.

(c) **Responsibility for ensuring Collection of Recyclable Materials:** Owners, landlords and or the agent of an owner or landlord shall be responsible for seeing that Act 101 is complied with relative to his/her particular multifamily Housing Unit.

An owner, landlord or agent of an owner or landlord of a multi-family housing property may comply with the requirements of Act 101 by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting the materials, easily accessible locations for the containers, and written instructions to the occupants concerning use and availability of the collection system. Owners, landlords and their agents who comply with this section shall not be liable for the noncompliance of occupants of their buildings.

ARTICLE III

Separation of Recyclables by Commercial, Municipal and Institutional Establishments and at Community Activities and Storage and Collection:

(a) **Materials to be Recycled:** The following materials shall be recycled by commercial, municipal and institutional establishments and at community activities: high grade office paper, aluminum, corrugated paper, and leaf waste.

(b) **How Materials must be Prepared and Separated for Recycling:** High grade office paper, aluminum and corrugated paper shall be co-mingled in one (1) container appropriately designated as a recycling container.

(c) **When Recyclable Materials will be collected:** Collection of all recyclable materials shall be at least one (1) time per month.

(d) **Responsibility for Ensuring the Collection of Recyclable Materials:** All commercial, municipal and institutional establishments and community activities shall be responsible for seeing that Act 101 is complied with relative to its own particular operation.

ARTICLE IV

Public Education Program:

(a) **Schedule for Implementation of the Education Program:** The Municipality shall conduct an Education Program at least thirty (30) days before the initiation of the recycling program and at least once every six (6) months thereafter.

(b) **Methods used to inform the Public:** The Public Information and Education Program will consist of the following: newsletter and newspaper ads as required by Act 101.

The Public Education Program shall include the requirements of the recycling ordinance and the incentives and penalties set forth therein.

ARTICLE V

CHANGES TO These REGULATIONS: Changes to the Recycling Program Regulations shall require approval from the Board of Commissioners of Kennedy Township (administrative decision, vote at public meeting, resolution, etc. - no ordinance change is needed). Public notice and notification to all affected parties will be required in advance of any program changes.

SECTION XV. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by law.

Duly enacted and ordained this 7th. day of August, 1991, by the Board of Commissioners of Kennedy Township, Allegheny County, Pennsylvania, in lawful session duly assembled.

ATTEST

Gerald Orsini
Manager

KENNEDY TOWNSHIP

Arthur Keenan
President
Board of Commissioners

Examined and Approved by me this 7th. day of August, 1991.

Solicitor