

ORDINANCE NO. 204

AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS, BEAVER COUNTY, PENNSYLVANIA TO ESTABLISH A PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS FROM RESIDENCES IN THE BOROUGH OF PATTERSON HEIGHTS 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.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Patterson Heights, Beaver County, Pennsylvania, and it hereby is enacted and ordained by the authority of the same as follows:

Section 1. Short Title. This ordinance shall be known and may be cited as the "Patterson Heights Borough Recycling Ordinance".

Section 2. Authority. This ordinance is enacted pursuant to the Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980 and the Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988.

Section 3. Purpose and Goals. It is the purpose of this ordinance to:

1. Require waste reduction and recycling as a means of managing municipal waste, conserving resources and supplying energy.

2. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of municipal waste.

3. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.

4. Establish and implement within the Borough of

Patterson Heights a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing or disposal facilities.

5. Recycle at least 25% of all municipal waste and source-separated recyclable materials generated in this Borough on and after January 1, 1997.

6. The weight or volume of municipal waste generated per capita in this Borough on January 1, 1997 should, to the greatest extent practicable, be less than the weight or volume of municipal waste generated per capita on the effective date of this ordinance.

7. Each person living or working in the Borough of Patterson Heights shall be taught the economic, environmental, and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities.

8. The Borough of Patterson Heights shall, to the greatest extent practicable, procure and use products and materials with recycled content, and procure and use materials that are recyclable.

Section 4. Definitions:

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

Bi-Metal Containers shall mean empty food or beverage containers consisting of steel and aluminum, and all depressurized aerosol cans.

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

Community Activities shall mean church, social, school, civic, service group, municipal functions and all other such functions.

Corrugated Paper shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Ferrous Containers shall mean an empty steel or tin-coated steel container.

Glass Containers shall mean bottles and jars made of clear, green or brown glass. Excluded are plate glass, mirrors, automotive glass, blue glass and porcelain and ceramic products, pyrex, drinking glasses, crystal and light bulbs.

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 such as hospitals, schools, day care centers, and nursing homes.

Lead Acid Batteries shall include but not limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste shall mean leaves from trees, bushes and other plants, garden residue, 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.

Municipality shall mean Patterson Heights Borough, Beaver County, Pennsylvania.

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 glossy advertising inserts often included with newspapers.

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

Plastic Container shall mean empty plastic containers labeled PETE¹ and HDPE²

Recyclable Materials shall mean those materials separated at the point of origin for the purpose of being recycled including those materials listed in Act 101 and by the municipality to be recycled.

Residential Dwellings shall mean any occupied single or multi-family dwelling having up to four (4) units per structure.

Waste 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 Pennsylvania Department of Environmental Resources beneficial use.

Section 5. ESTABLISHMENT OF PROGRAM:

There is hereby established a program for the mandatory separation of recyclable materials from solid waste by persons residing in single dwellings or multi-family dwelling having up to four (4) dwelling units per structure and by private clubs, specifically including Beaver Valley Country Club.

In carrying out its duties under this section, the Borough Council may adopt by resolution, procedures, regulations and standards for the recycling, transportation, storage and collection of municipal wastes and source-separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and the regulations promulgated pursuant thereto.

Section 6. SEPARATION OF RECYCLABLES AND PLACEMENT FOR DISPOSAL

Recyclable materials from residential dwellings shall be placed at the curb separate from other solid waste for collection at such times, dates and places as may be established by regulations of Borough Council.

Recyclable materials from private clubs shall be separated from other solid waste for collection at such times, dates and places as may be established by regulations of Borough Council.

Materials to be recycled are: glass containers, plastic containers, bi-metallic containers, aluminum products used for food or beverage purposes, high grade office paper, newsprint, magazines or periodicals, and corrugated paper. Additional recyclable materials to be separated for collection or to be eliminated from collection shall be determined by resolution and regulation of Borough Council.

Section 7. SEPARATION OF RECYCLABLES BY COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND AT COMMUNITY ACTIVITIES:

Commercial, municipal and institutional establishments shall separate and store, until collection, high grade office paper, corrugated paper and aluminum and [other materials designated by the Borough of Patterson Heights]. These establishments must arrange for the transfer of the materials to a recycling system. The establishments shall annually provide to the Borough of Patterson Heights evidence of such arrangement and documentation of the total number of tons recycled.

Recyclable materials designated by the Borough of Patterson Heights must be separated until collection at community activities.

Section 8. SEPARATION OF RECYCLABLES BY MULTI-FAMILY HOUSING PROPERTIES AND PLACEMENT FOR DISPOSAL:

The owner, landlord or an agent of an owner or landlord of multi-family housing properties of four (4) or more units shall establish a collection system for recyclables at each property. Materials to be separated are as designated in Section IV. The collection system must contain suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instruction to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents of owners or landlords shall not be liable for noncompliance of the occupants of their building.

Section 9. COLLECTION BY UNAUTHORIZED PERSON(S):

It shall be a violation of this ordinance for any person(s), not authorized by resolution of the Borough of Patterson Heights, 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 10. ALTERNATIVE COLLECTION OR DISPOSITION OF RECYCLABLE MATERIALS:

Any person may donate or sell recyclable materials to individuals or organizations. These materials must be delivered to the individual's or organization's site.

Section 11. DELIVERY OF RECYCLABLE MATERIALS TO LANDFILLS OR INCINERATORS:

It shall be a violation of this ordinance for the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal unless the markets for such materials no longer exists. The authorized collector will provide to the Borough of Patterson Heights the weight receipts of the recyclable materials.

Section 12. FRANCHISE OR LICENSE:

The Borough of Patterson Heights may enter into agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable material from curbside or from drop-off collection points.

Section 13. VIOLATION AND PENALTY:

Any action by any person, firm, corporation, or other entity which violates any Section of this ordinance or any regulations thereof shall be punishable by a (fine not to exceed \$10 upon a first violation; \$25 upon second violation; and \$50 on third or

subsequent violation.

Section 14. SEVERABILITY:

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to the intent of the Borough of Patterson Heights that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence part or provision had not been included therein.

Section 15. AMENDMENT:

This ordinance shall not be amended or modified except by a resolution or ordinance of the Borough of Patterson Heights.

Section 16. APPLICABILITY:

This ordinance shall be subject to all applicable federal, state and local laws and ordinances as well as rules and regulations set forth by the Department of Environmental Resources, Commonwealth of Pennsylvania.

Section 17. REPEALER:

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 18. EFFECTIVE DATE:

This ordinance shall take effect on 11/4, 1991.

ENACTED AND ORDAINED an Ordinance this 4th day
of Nov, 1991.

ATTEST:

BOROUGH OF PATTERSON HEIGHTS

(Seal)

BY:

Karl C. Arnold
President of Council

Examined and approved this 2nd day of Dec, 1991.

[Signature]
Mayor