

GREENE TOWNSHIP, ERIE COUNTY

RECYCLING ORDINANCE

ORDINANCE NO. 980609

AN ORDINANCE OF THE TOWNSHIP OF GREENE, ERIE COUNTY, PENNSYLVANIA ESTABLISHING A RECYCLING PROGRAM AND PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING THE SEPARATION, COLLECTION, AND RECYCLING OF RECYCLABLE MATERIALS, PROVIDING FOR THE PAYMENT OF SERVICES AND TO ESTABLISH PENALTIES AND INCENTIVES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Pennsylvania State Act of July 28, 1988, No. 101, entitled the Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101), provides that each and every municipality of the Commonwealth shall be so empowered so as to develop and implement programs for the separation, collection, and recycling of municipal waste; and

WHEREAS, the reduction of municipal waste and the separation, collection, and recycling of recyclable materials has become a critical public concern due to the growing problem of the disposal of solid waste and the impact that such disposal has on the environment; and

WHEREAS, the separation, collection, and recycling of recyclable materials conserves valuable energy and material resources and promotes greater efficiency in the local economy; and

WHEREAS, the separation, collection, and recycling of recyclable materials will reduce the amount of municipal waste currently being generated, and thus reduce the associated storage, collection, transportation and disposal cost.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Greene Township, Erie County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION I. TITLE

The short title of this Ordinance shall be the Greene Township Recycling Ordinance, and the same shall be cited in this manner.

SECTION II. DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in the Ordinance shall be as follows:

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

“Aluminum Cans” shall mean all empty aluminum beverage or food cans.

“Bi-metal Cans” shall mean empty food or beverage cans consisting of steel and aluminum.

“Collector” shall mean the entity or entities authorized by the Township to collect recyclable materials from residences, or authorized commercial, municipal and institutional establishments.

“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, festivals, 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. Cardboard is considered to be corrugated paper.

“Ferrous Cans” shall mean empty steel or tin-coated food or beverage cans.

“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 mean but not 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 trimmings.

“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 Township 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, waste-water 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.

“Person(s)” shall mean owners, leasees, 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 Township may stipulate specific types of plastic, which may be recycled. Examples of such containers include plastic soda bottles and milk jugs.

“Recyclable Materials” shall mean materials generated by residences and commercial, municipal and institutional establishments, which are specified by the Township and can 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 of reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as 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.

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

“Township” shall mean the Township of Greene, Erie County, Pennsylvania.

“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 Pennsylvania Department of Environmental Protection for beneficial use.

SECTION III. ESTABLISHMENT OF PROGRAM

There is hereby established by the Township of Greene a Recycling Program to provide for the separation, collection, and recycling of specifically identified recyclable materials. Collection of the recyclable materials shall be made at least once per month by the Township or its designated agent from residences and by any other solid waste collectors operating in the Township and authorized to collect recyclable materials from commercial, municipal or institutional establishments. In accordance with Act 101, the Greene Township Recycling Program shall include a sustained public information and education program. Greene Township is hereby empowered to modify or amend the provisions and requirements of the Recycling Program, as necessary.

SECTION IV. SEPARATION OF RECYCLABLES AND PLACEMENT FOR COLLECTION

A. All persons who are residents of the Township shall separate all of those recyclable materials designated by the Township by this Ordinance or amendments thereto, 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 the following recyclable materials from other refuse: Aluminum Cans, Steel Cans, Clear Glass, #1 and #2 Plastics, and Newspapers. Recyclable materials must be cleaned and free of residue, metal rings and other non-glass attachments and shall be placed at the curbside in containers provided by the Township. The designated recyclable material shall be placed separately in separate containers to be collected at least once per month on a schedule to be determined by the Township. 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 from the Township shall be responsible for returning the allocated container(s) to the Township or 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. It shall be the responsibility of the resident to whom the recycling containers are issued to replace all lost, stolen, or damaged containers at no cost to the Township.

2. An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with more than four (4) units 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 the recyclable materials, easily accessible locations for the containers, and written availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings.

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. Said report shall be submitted to the Township on forms provided by the Township prior to January 15 of each year for the recycling period ending December 31 of the previous year.

B. Persons at commercial, municipal, institutional establishments and community activities, should separate high-grade office paper, aluminum cans, steel cans

corrugated paper waste generated and store these recyclable materials until collection. If these 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 tonnage of materials recycled during the previous year. Said report shall be submitted to the Township on forms provided by the Township prior to January 15 of each year for the recycling period ending December 31 of the previous year.

SECTION V. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Township or its authorized collector pursuant to this Ordinance shall, from time of placement at the curb or similar location, become the property of the Township or its authorized collector, except as otherwise provided by Section VII. 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 or similar location for collection by the Township or its authorized agents. The Township may require documentation of private recycling efforts within the Township including recycling by individual residences.

SECTION VI. COLLECTION BY UNAUTHORIZED PERSONS

It shall be a violation of the Ordinance for any person, firm or corporation, other than the Township or one authorized by the Township, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Township or any 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 VII. 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. It shall be unlawful for any unauthorized collector to collect recyclable materials from any residence once said recyclable materials are placed at the curb or similar location.

SECTION VIII. RECYCLING OF MATERIALS

Disposal by persons of recyclable materials as defined and designated by the Township for collection herein 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 resource recovery facilities is prohibited unless markets do not exist and the collectors or operators have notified the Township in writing. The circumstance of a recycling facility charging the collector for the delivery of recyclable materials shall not necessarily constitute that markets do not exist.

SECTION IX. PAYMENT FOR SERVICES

- A. Greene Township may determine, from time to time, to designate one single contractor which shall be responsible for the collection, transportation and proper recycling of all recyclable materials identified by this Ordinance generated at residences as defined herein.
1. The Greene Township Supervisors may through appropriate advertisement and solicitation of bids and negotiation, as the case may be, award to a person or company, hereinafter referred to as the "Contractor", who qualifies as the lowest, responsible bidder, to collect, transport and properly recycle all recyclable materials identified by this Ordinance generated at residences as defined herein, for which services the Contractor may bill and collect a fee, if applicable, as authorized herein.
 2. The contractor shall collect recyclable materials at a minimum of one day per month. The contractor shall be required to notify each residence of the day or days of the week in which collection will be provided.
 3. If the contractor scenario should become necessary, every resident, householder, tenant, owner, responsible party or person occupying a dwelling, apartment, condominium, or place of residence within the Township of Greene (excluding those commercial establishments) generating recyclable materials shall pay or be responsible to pay the Township's designated contractor, a fee or charge for the contractor's service in the collection, transport and proper recycling of all recyclable materials generated by said household. Failure to do so shall be construed as a violation of this Ordinance. Payment to the Contractor, if applicable, shall be at the contract price established between the Contractor and the Township.

There shall be one (1) fee per residence for which the contractor shall provide curbside collection, transportation and proper recycling of all recyclable materials generated by each residence. This fee will likely be required to be prepaid in quarterly or semi-annual payments.

It shall be the responsibility of the Contractor to bill and collect from each residence for the services rendered by the contractor in collection, transportation and proper recycling of all recyclable materials, if applicable.

- B. The commercial, institutional and municipal establishments as defined herein shall be responsible to provide for the proper recycling of all required recyclable materials identified by this Ordinance. Such establishments may contract with any individual or company, which may provide such service at a fee to be agreed upon by both parties.

SECTION X. ENFORCEMENT AND ADMINISTRATION

The Township is hereby authorized and directed to make reasonable rules and regulation 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 of recycling containers

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 offenses. 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 Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), and costs of prosecution for each and every offense.

The Township hereby makes it a violation of this Ordinance for any collector operating in the Township to willfully and knowingly collect municipal waste containing recyclable materials in combination with non-recycling materials.

The Township of Greene believes that the implementation of its Recycling Program will benefit the residents of the Township. Incentives to recycle include valuable environmental and financial concerns such as the avoidance of expensive solid waste disposal fees, the saving of energy and material resources as well as promoting a greater efficiency in the local economy. An added incentive is that the Township may be eligible for State Performance Grants depending upon the level of recycling achieved throughout the Township.

SECTION XI. REPEAL

All Ordinances and Resolutions or parts of Ordinances and Resolutions, insofar as they are inconsistent herein with, be and the same are hereby repealed.

SECTION XII. SEVERABILITY

If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Greene Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section or part thereof not been included therein.

SECTION XIII. MODIFICATIONS

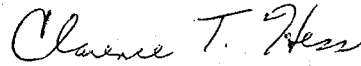
The Township may, from time to time as it deems necessary, modify, add to or delete from the standards and regulations herein and as authorized in this Ordinance.

SECTION XIV. EFFECTIVE DATE

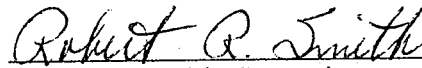
This Ordinance shall become effective upon the fifth day of its adoption.

ENACTED AND ORDAINED into an Ordinance this 9 day of June, 1998, by the Board of Supervisors of Greene Township of Erie County, Pennsylvania in Lawful Session duly assembled.

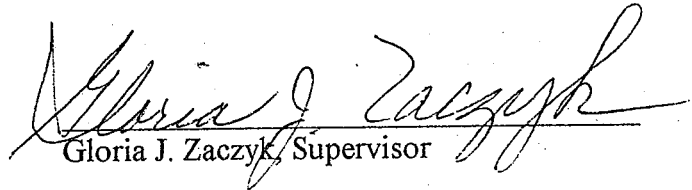
GREENE TOWNSHIP SUPERVISORS



Clarence T. Hess, Chairman

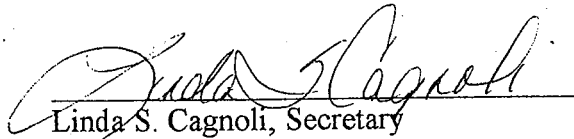


Robert R. Smith, Supervisor



Gloria J. Zaczyk, Supervisor

ATTEST:


Linda S. Cagnoli, Secretary