

## ARTICLE III RECYCLING

*History - Adopted by the Board of Supervisors as Ordinance No. 74, August 12, 1992, amended by Ordinance No. 03-04-01, April 9, 2003 and amended by Ordinance No. 2004-10-06, October 13, 2004.*

### §16-301. Establishment of Program

The Township of Center hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation and composting of leaf/yard waste from all residences, commercial, municipal and institutional establishments located in the Township of Center. A minimum of at least three (3) specific materials plus leaf/yard waste must be recycled. Recyclable materials shall be collected at such times and dates at least once per month as may be hereinafter established by regulation.

### §16-302. Definitions

The following words and phrases as used in this Article shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

- A. **Act 101:** The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988).
- B. **Aluminum:** Empty, all-aluminum food and beverage containers, clean aluminum foil and pie tins, aluminum siding, aluminum frames of furniture, scrap from industrial sources and other all-aluminum materials.
- C. **Bi-metallic Containers:** Empty food or beverage containers consisting of ferrous sides with an aluminum top and/or bottom. A container is bi-metallic if a magnet sticks to the side but not the ends.
- D. **Collector:** Any person, firm, partnership, corporation or public agency authorized by the municipality to collect recyclable materials from residences or authorized by commercial, municipal and institutional establishments to collect recyclable materials from those properties.
- E. **Commercial Establishment:** Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing four (4) or more dwelling units.
- F. **Community Activities:** Events that are sponsored by public or private agencies or individuals including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by two hundred (200) or more individuals per day.

- G. **Corrugated Paper:** Containerboard cartons, Kraft linerboards and shipping boxes with corrugated paper medium. This definition also includes Kraft (brown) paper bags.
- H. **Glass Containers:** Empty bottles and jars made of clay, green or brown glass. This definition does not include non-container glass, window glass, blue glass and porcelain, ceramic products and light bulbs.
- I. **High-grade Office Paper:** Printing, writing, and computer paper used in commercial, institutional and municipal establishments as well as in residences. This definition includes white paper, white ledger, bond paper, colored ledger, computer printouts, computer tab cards and copy machine paper.
- J. **Institutional Establishment:** Facilities that house or serve groups of people, including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and colleges.
- K. **Lead Acid Batteries:** Automotive, truck and industrial batteries that contain lead.
- L. **Leaf/Yard Waste:** Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.
- M. **Multi-family Housing:** Properties having four (4) or more dwelling units per structure.
- N. **Municipal Establishment:** Public facilities operated by the Township of Center and other governmental and quasi-governmental agencies.
- O. **Municipal Waste:** As defined by Act 101.
- P. **Newspapers:** 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.
- Q. **Plastics:** High density polyethylene such as plastic containers for milk, container plastics, including resealable containers, food containers, household product containers, PET soda bottles, beverage containers, and other plastic products.
- R. **Recyclable Materials:** Materials generated by residences, commercial, municipal and institutional establishments which are specified by the Township of Center or by Butler County to be recycled.

Recyclable materials may include clear glass, colored glass, aluminum, steel and bi-metallic containers, high-grade office paper, newspapers, corrugated paper, yard waste, plastics and any other items selected by the municipality or County or specified in amendments to Act 101.

- S. **Recycling:** The collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of 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 other than a fuel for the operation of energy.
- T. **Residential Establishment:** Any occupied single-family, duplex or multi-family dwelling of three (3) units or less for which a municipal or private hauler collects municipal waste.
- U. **Source Separated Recyclable Materials:** Materials that are separated from municipal waste at the point of origin for the purpose of being recycled.
- V. **Steel Containers:** All coated (tin, zinc, etc.) and other empty ferrous food and beverage containers, including allowed materials. This definition also include ferrous and alloyed ferrous scrap materials derived from iron and stainless steel and white goods (large appliances).

### §16-303. Separation and Collection

- A. Persons in residential establishments shall separate recyclable materials from other waste. At a minimum, the following materials shall be separated for recycling: 1) No. 1 and No. 2 HDPE and PET plastics; 2) clear, amber or green glass; and 3) steel and bimetallic containers (commonly referred to as cans). Other materials may be recycled at the option of the Collector. Recyclable materials shall be placed at the curbside or at a site designated by the municipality. Recyclable materials shall be prepared for collection by a County approved Collector according to County guidelines and shall be placed in containers provided by the municipality or cut and baled, tied, bundled, stacked or packaged in compliance with the guidelines.
  - 1. All containers provided to residential establishments for recyclable materials shall be the property of the Township of Center and shall be used only for the storage and collection of recyclable materials. Any resident who moves shall be responsible for leaving the container within the residence or shall pay the replacement cost of said container. The Township may require a

- deposit for such containers as may be established from time to time by resolution.
2. Use of the allocated recycling container for any purpose other than the recycling program shall be a violation of this Article.
- B. An owner, landlord or agent of the owner or landlord of a multi-family housing property with four (4) or more units shall comply with its recycling responsibilities by establishing a collection program for the tenants at each property. The collection system shall include suitable containers, provided by the owner, landlord or agent for sorting and collection of recyclable materials. The container shall be placed in easily accessible locations and written instructions shall be provided to the tenants concerning use and availability of the collection system.
1. Owner, landlords or agents of multi-family property who are in compliance with the Article shall not be liable for noncompliance by the occupants of their property.
  2. Owners, landlords or agents who have recyclable materials collected by a collection firm other than the municipality or its designated collector(s) shall submit an annual report to the municipality reporting the tonnage of materials recycled during the previous year.
- C. Commercial, institutional, municipal establishments and community activities shall separate high-grade office paper, aluminum, corrugated paper, yard waste and such other materials as may be designated by the Township of Center, and shall store the recyclable materials until collection. These establishments may be exempted from this Article if the establishments have otherwise provided for the recycling of materials specified by this Article and provide documentation to the Township of Center annually indicating that designated recyclable materials are being recycled and indicating the tonnage of materials recycled during the previous year.
1. It shall be the responsibility of each establishment and community activity to submit an annual report to the Township of Center reporting the tonnage of materials recycled by the establishment or activity during the previous year.

#### **§16-304. Leaf/Yard Waste**

All owners, lessees or occupants of any residential, commercial, institutional, multi-family, or municipal properties in the Township of Center shall separate and store leaf/yard waste from other waste. The Township of Center shall specify by regulation the method for collection and disposition of leaf/yard waste by means of curbside

leaf/yard collection and the establishment of a composting facility. Curbside leaf collection will not be mandated upon those persons who have established means of composting leaves.

**§16-305. Lead Acid Batteries**

No person shall place a used lead battery in municipal waste, discard or otherwise dispose of a lead battery except by delivery to a designated facility authorized under the laws of Pennsylvania.

**§16-306. Ownership of Recyclable Materials**

All recyclable materials, when placed at the curbside, shall remain the property of such persons until removed by its authorized collector except as provided below:

- A. Any person may donate or sell recyclable materials to individuals or organizations authorized by the Township of Center. The recyclable materials shall be either delivered to the individual organization site or may be placed at the curb for collection by said individual or organization. If placed at the curb, the individual or organization shall not collect recyclable materials on days designated as municipal collection days.
- B. Any person who donates or sells recyclable materials shall not receive a discount in waste collection fees paid to their collectors.

**§16-307. Franchise or License**

The Township of Center may enter into an agreement with public or private agencies or firms to authorize said agencies or firms to collect all or part of recyclable materials placed at curbside or at another designated site.

**§16-308. Administration and Enforcement**

The Township of Center Supervisors or their designated employees or agents are authorized by this Article to enact reasonable rules and regulations for the operation and enforcement of this Article.

- A. The Township Supervisors or their designated employees or agents shall establish a public information and education program which shall:
  - 1. Include the recycling program features and requirements;
  - 2. Advertise the institution of the recycling program at least thirty (30) days prior to its institution and thereafter every six (6) months; and
  - 3. Explain how the system will operate, the dates of collection, responsibilities of persons within the municipality and incentives and penalties.

- B. The Township Supervisors and their designated employees or agents shall endeavor to purchase recycled materials where possible.
- C. The Township Supervisors and their designated employees or agents shall develop a policy for the recycling of excess materials.

**§16-309. Violations and Penalties**

Any person, firm or corporation who shall violate the provisions of this Article and its rules and regulations shall receive an official written warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

Upon conviction of violation of the provisions of this Article, such person shall pay a penalty of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) plus costs of prosecution for each and every offense.

- A. **Collection by Unauthorized Persons - Violation:** It shall be a violation of this Article to collect recyclable materials unless such collection firm, person or corporation is licensed by the County or is authorized by the Township of Center as provided for in Section 16.307. Unauthorized collection of recyclable materials for one (1) or more residential, commercial, institutional, or municipal establishments on any one (1) calendar day shall constitute a separate and distinct offense punishable as provided in this Section.
- B. **Failure to Separate Recyclable - Violations:** It shall be a violation of this Article for any person to mix recyclable materials with other wastes for collection and disposal purposes.