

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA REPEALING AND
RESTATING TOWNSHIP RECYCLING ORDINANCES NO. 910 AND 921
IN THEIR ENTIRETY, PROVIDING FOR THE COLLECTION OF
RECYCLING MATERIALS IN THE TOWNSHIP, AND FURTHER
CLARIFYING THE TOWNSHIP'S RESPONSIBILITIES REGARDING
THE COLLECTION OF CERTAIN LEAF WASTE**

WHEREAS, the Township of O'Hara has undertaken a review of its existing Recycling Ordinance; and

WHEREAS, the Commonwealth of Pennsylvania Act of July 28, 1988, No. 101, as amended, 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 commingled recyclable materials; and

WHEREAS, the reduction of the amount of municipal waste and conservation of recyclable materials has become an important public concern due to 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 Township of O'Hara will serve the general public interest by reducing the volume of municipal waste which must be disposed and conserving our natural resources.

IT IS HEREBY ORDAINED that Township Ordinances Nos. 910 and 921 are hereby repealed and restated in their entirety.

IT IS HEREBY ORDAINED AND ENACTED by the Council of the Township of O'Hara, Allegheny County, Pennsylvania as follows:

SECTION I. TITLE

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

SECTION II. DEFINITIONS

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

Act 101 - the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended.

Aluminum - empty all-aluminum beverage or food cans.

Bi-Metal Containers - empty food or beverage containers consisting of steel and aluminum (i.e. commonly referred to as “tin” cans).

Collector - the entity or entities authorized by the Township to collect recyclable materials from residences, or authorized by multi-family housing properties, or by commercial, municipal and institutional establishments that do not receive collection services from the Township to collect recyclable materials from those establishments.

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

Community Activities - 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 - structural paper materials with an inner core shaped in rigid parallel furrows and ridges.

Council - the Council of the Township of O’Hara.

Ferrous Containers - empty steel or tin coated food or beverage containers.

Glass Containers - empty 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 - all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

Institutional - 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 - includes but not limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste - leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

Magazines and Periodicals - printed matter containing miscellaneous written pieces published at fixed or varying intervals.

Multi-Family Rental Housing Properties - any properties having four (4) or more dwelling units per structure which are not primarily composed of individually owned units. Examples of such are rental apartments and townhouses.

Municipal Establishment - public facilities operated by the Township and other governmental and quasi-governmental authorities.

Municipal Waste - any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous materials, resulting from the operation of all 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 commingled recyclable materials.

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. Expressly excluded are newspapers which have been soiled.

Person(s) - owners, lessees, and occupants of residences and commercial, municipal and institutional establishments.

Plastic Bags - any container used for carrying, storing or disposing of groceries, wearing apparel, other retail/wholesale purchased items.

Plastic Containers (Polyethylene Terephthalate or PET) - empty plastic food and beverage containers.

Plastic Containers (High-Density Polyethylene or HDPE) - empty plastic containers; commonly used for milk, clothes and dish washing soaps and other cleaning products.

Recyclable Materials - materials generated by residences, multi-family housing properties, and commercial, municipal 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, metal food and beverage cans, empty aerosol cans, clean aluminum foil and foil products, plastic bags (bundled), plastic containers #1 through #7, plastic milk cartons, plastic beverage bottles, bleach detergent, household cleaner bottles, yogurt cups, cottage cheese and ricotta cheese containers, margarine tubs, shampoo and body wash bottles, glass beverage bottles

and food jars (clear, brown, amber and green), paperboard (cereal boxes, tissue boxes, empty paper towel and toilet paper rolls), white office/computer paper, magazines, newspapers, advertising inserts, junk mail and envelopes, catalogs, phone books, paperback books, hardback books with covers removed, coupons, receipts, paper bags and shopping bags (with handles removed), corrugated paper (fluted corrugated sheet and one or two flat linerboards, i.e. cardboard, shipping boxes), 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 Manager.

Recycling - the collection, separation, recovery and sale or use 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 - any occupied single family dwellings, or multi-family dwellings that are primarily composed of individually owned units or have less than four (4) rental units per structure, for which the Township provides municipal waste collection service.

Super Mix Paper - an unseparated mix of all recyclable grades and types of paper items used in offices for which one unit price is offered by a recycling broker or market.

Township - the Township of O'Hara, Allegheny County, Pennsylvania.

Township Manager - the duly appointed Manager of the Township of O'Hara.

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 PA Department of Environmental Resources for beneficial use.

SECTION III. ESTABLISHMENT OF PROGRAM/GRANT OF POWER

- A. 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 rental housing properties, and all commercial, municipal and institutional establishments located in the Township for which waste collection is provided by the Township or any other collector. Collection of recyclable materials shall be made once per week by the Township, its designated agent, or by any other solid waste collectors operating in the Township and authorized to collect recyclable materials from residences or multi-family rental housing properties. Collection of recyclable materials shall be made at least once per month from commercial, municipal, and institutional establishments. The Recycling Program shall

also contain a sustained public information and education program as required by Act 101, as amended.

- B. Specific program regulations are provided as an attachment to this Ordinance. The Township Manager is empowered to make changes to program regulations as necessary, as described in Section X. Subsequent changes in the program regulations may be made by the Township Manager after public notice to all affected parties.
- C. This Ordinance is ordained pursuant to the Home Rule Charter of the Township of O'Hara.

SECTION IV. LEAD ACID BATTERIES

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this Ordinance. Persons may not discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery dealer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of the Commonwealth of Pennsylvania.

SECTION V. SEPARATION AND COLLECTION

- A. Residential – All persons who are residents of the Township shall separate all of those recyclable materials designated by the Township Manager 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. The Township shall provide for the collection of recyclable materials from all residences through the use of its own employees, or it may contract with a private collector or collectors to provide this service.
 - a. For all single-family dwellings and multi-family dwellings with less than four (4) dwelling units, recyclable materials shall be placed at the curbside in individual recycling containers provided by the hauler or Township for collection. Any containers provided to such dwellings for collection of recyclable materials shall be the property of the hauler or Township, whichever is applicable, and shall be used only for the collection of recyclable materials. The recycling container is assigned to the individual home. The container must stay with the location even with the sale of the property. 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.

- b. For all multi-family dwellings having more than four (4) dwelling units where the Township provides collection service, all recyclable materials shall be placed in a bulk collection container or containers provided by and acceptable to the Township.
 - c. For all multi-family dwellings having more than four (4) dwelling units where the Township provides collection service, the owner's association, or manager or agent representing the owner's association must establish a collection system for such property. Written instructions to the occupants concerning the use and availability of the system must be provided by the owner's association, or manager or agent representing the owner's association. The owner's association, or manager or agent representing the owner's association who comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings.
 - d. The collector authorized by the Township to collect recyclable materials from residences shall submit an annual report to the Township Manager reporting the tonnage of each and all materials collected from residences for the previous year. The report shall be submitted to the Township Manager by January 31 for the preceding year.
2. All multi-family rental housing properties shall individually contract with any private collector or collectors of their choice for the collection of recyclable materials.
- a. An owner, landlord, manager or agent of an owner, landlord or manager of multi-family rental housing properties may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting 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 non-compliance of occupants of their buildings.
 - b. Owners, landlords, agents of owners or landlords, or the private collector(s) shall submit an annual report to the Township reporting the tonnage of each material recycled during the previous year. The report shall be submitted to the Township Manager by January 31 for the preceding calendar year.

3. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection by the Township unless those persons have otherwise provided for the composting of leaf waste.
 - a. Leaves shall be collected by the Township in the spring and fall of each year. To insure collection, all persons must place their leaves at the curb line. The dates for the collection of leaves by the Township shall be established by the Township Manager.
 - b. Tree limbs and brush shall be collected by the Township in the spring and fall of each year. To insure collection, limbs and brush shall be placed at the curb line. Brush must be separated from tree limbs and securely tied in bundles not to exceed 16 inches in diameter. All root balls or dirt must be removed. Brush with root balls or dirt attached will not be collected. Limbs that are four (4) inches or less in diameter may not exceed six (6) feet in length. Limbs that are more than four (4) inches, but less than six (6) inches in diameter may not exceed four (4) feet in length. Limbs more than six (6) inches in diameter will not be collected. Each property is limited to one truckload of brush equal to about six cubic yards. The dates for the collection of tree limbs and brush shall be given by public notice.
 - (i) The Township's contracted hauler will provide at least one day a month for the collection of brush and limbs from May through September. This may be a call-in service or curb service at the discretion of the contracted hauler.

B. Commercial, Municipal, Institutional and Community

Activities - Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste, and such other materials as may be designated by the Township Manager generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. **Collection must be on a regular basis.** A person instituting his own recycling program 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 designated by the Township Manager.
2. Submitting, at a minimum, an annual recycling report to the Township Manager by January 31 of each year. The report shall document the amount of municipal waste generated per year as well as the type and tonnage of materials that were recycled in the previous calendar year. Valid documentation shall include information from an end-use market, recycler, or waste hauler which describes

and verifies the type and tonnage 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 tonnage 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 tonnage of each recyclable material collected and marketed in cases where recyclables are co-mingled with the establishment's waste. The type and tonnage 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 Township or its authorized agent, the collector for or occupants of said establishments shall submit an annual report to the Township reporting the type and tonnage of materials recycled during the previous calendar year. The report shall be submitted to the Township Manager by January 31 for the preceding year.

3. All employees, users and residents of commercial, municipal and institutional establishments must be informed of the establishment's recycling program. The education program shall describe the program's features and requirements, and shall include at a minimum an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles shall be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs shall be prominently displayed stating the requirements of the program.
4. 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:
 - a. 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.

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

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

- a. Recycling or composting of materials, to the greatest extent feasible, either privately or through a municipal recycling program.
 - b. Use, to the greatest extent feasible, of products and materials which are recyclable or made of postconsumer materials.
 - c. Substitution, to the greatest extent feasible, of durable and reusable products and materials for products that are not durable or reusable.
 - d. Appropriate educational materials and signs should be made available to employees or the public to encourage participation in recycling and waste reduction.
- C. All recycling collection activity shall be conducted Monday through Saturday between the hours of 6:00 A.M. and 6:00 P.M., unless prior approval or any exception has been granted by the Township Manager. No collection, hauling or transporting of recyclables shall be permitted on Sunday.

SECTION VI. 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 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 VII. 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 Township or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences, multi-family rental housing properties, or by commercial, municipal and institutional establishments for collection by the Township 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 for in Section X, Paragraph C.

SECTION VIII. EXISTING RECYCLING OPERATIONS

Any residential 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.

SECTION IX. 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 commingled recyclable materials in landfills or the burning of such materials in incinerators is prohibited.

SECTION X. ENFORCEMENT AND ADMINISTRATION

- A. The Township 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:
1. Establishing specific recyclable materials to be separated for collection and recycling by residences, multi-family rental housing properties, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
 2. Establishing collection procedures for recyclable materials.
 3. Establishing reporting procedures for amounts of materials recycled.

4. Establishing procedures for the distribution, monitoring and collection of recyclable containers.
 5. Establishing procedures and rules for the collection of leaf waste.
- B. Except as provided for in Section VII, 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.
- C. Any person, firm or corporation who shall violate any provisions of this Ordinance, any regulations promulgated hereunder, or order issue hereunder shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and costs of prosecution for each and every offense, or be sentenced to imprisonment for not more than thirty (30) days. Each day that a violation is continued shall constitute a separate offense.
- D. The Township reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials.

SECTION XI. FRANCHISE OR LICENSE

The Township may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

SECTION XII. 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.

SECTION XIII. MODIFICATIONS

The Township Manager may, from time to time, modify, add to or delete from the regulations as authorized in Section X.


SECTION XIV. EFFECTIVE DATE

This Ordinance shall take effect immediately.

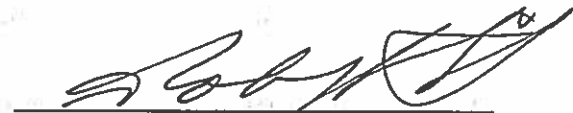
ORDAINED AND ENACTED this 11th day of June, 2013, by Council vote of 6 to 0.

TOWNSHIP OF O'HARA

ATTEST:



Julie A. Jakubec, CPA, CGMA
Township Manager



Robert John Smith
President of Council



First Reading	<u>Rothert - Vogel</u>	<u>6 - 0</u>	<u>05/14/2013</u>
Second Reading & Adoption	<u>Templin - Rothert</u>	<u>6 - 0</u>	<u>06/11/2013</u>
Advertised	<u>06/20/2013</u>	Codified	_____
Attachment			