

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1710

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A RESOURCE RECOVERY PROGRAM FOR THE SEPARATION OF RECYCLABLE MATERIALS FROM MUNICIPAL WASTE PURSUANT TO ACT 101 OF 1988; PROHIBITING THE REMOVAL OF RECYCLABLE MATERIALS FROM THE CURB OR RIGHTS-OF-WAY OF THE MUNICIPALITY OF MONROEVILLE; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, Act 101 of July 28, 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, mandates that the Municipality of Monroeville institute a program for removing 25 percent of recyclable materials from its municipal waste; and

WHEREAS, recycling conserves valuable material, resources and energy and promotes greater efficiency in the regional economy providing for additional local employment; and

WHEREAS, recycling will reduce the overall amount of solid municipal waste presently generated, and thus, reduce storage, collection, transportation and disposal costs for the Municipality of Monroeville.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Municipal Council of the Municipality of Monroeville and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Definitions

1.) Aluminum - All aluminum beverage or food cans which have been emptied.

2.) Apartments - Any occupied multi-family structure having five (5) or more dwelling units per structure for which the Municipality does not provide municipal waste removal services.

3.) Bi-Metal and Steel Containers - Empty food or beverage containers consisting of steel and aluminum.

4.) Bulk Rubbish - All items which are too large to bag, can, or bundle, including furniture, large appliances, furnaces, automobile tires, and automobile parts.

5.) Commercial Properties - Those properties used primarily for commercial or industrial purposes.

6.) 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.

7.) Corrugated Paper - Structural paper material with an inner-core shaped in rigid parallel furrows and ridges.

8.) Garbage - Every refuse, accumulation of animal, fish, fowl, food, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, food, fruit or vegetable or any other organic substance or substances subject to fermentation or decay, including condemned food, tin cans, bottles, broken glass or crockery and cooking utensils.

9.) Glass Containers - 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.

10.) High Grade Office Paper - All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

11.) Institutional Establishments - Those facilities that house or serve groups of people including, but not limited to hospitals, nursing homes, orphanages, day care centers, schools and universities.

12.) Lead Acid Batteries - Includes but is not limited to automotive, truck and industrial batteries that contain lead.

13.) Leaf Waste - Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

14.) Municipal Establishments Facilities owned and/or operated by a Municipality as defined herein.

15.) Municipal Recycling Program - A source separation and collection program for recycling municipal waste or source separated recyclable materials, or a program for designated drop off points or collection centers for recycling municipal waste or source separated recyclable materials, that is operated by or on behalf of a Municipality. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of a Municipality. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

16.) Municipal Waste - Any garbage, refuse rubbish, bulk rubbish, industrial lunch room or office waste 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, 35 P.S.

Section 6018.101 et seq. 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 or lead acid batteries or any other items excluded from collection by the contractor under its contract with the Municipality.

17.) Municipal Waste Landfill - Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department of Environmental Resources of the Commonwealth (DER), under the Solid Waste Management Act, 35 P.S. Section 6018.101 et seq. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

18.) Municipality - Any county, city, borough, incorporated town, township or home rule municipality.

19.) Newspaper - Includes paper the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest, including color comics, glossy advertising inserts and inserts printed in color included with newspapers.

20.) Person - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, (including, but not limited to, the Department of General Services and the State Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Act prescribing a fine, imprisonment or penalty, or any combination of

the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

21.) Plastic Containers - Empty plastic food and beverage containers, including but not limited to plastic pop bottles, milk jugs, and plastic ketchup bottles.

22.) Recyclable Materials - 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 bi-metal 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.

23.) Recycling - The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf 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.

24.) Recycling Facility - A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin and raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

25.) Refuse - All discarded articles or materials, including rubbish and incombustible waste, except sewage and liquid waste. Paint cans are included under refuse but must be empty for disposal.

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

27.) Resource Recovery Facility - A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.

28.) Rubbish - All rags, paper, grass cuttings, household refuse, straw excelsior and such other refuse as may result through ordinary household pursuits and which may be destroyed by burning, including incinerator ashes and refuse from burners, parts of trees, not more than four feet (4') in length and six inches (6") in diameter are included in the term "rubbish" as are Christmas trees in December, January, and February.

29.) Solid Waste - Solid waste as defined in the Act of July 7, 1980 (P.L. 380, No. 97) known as the Solid Waste Management Act, 35 P.S. Section 6018.101 et seq.

30.) Solid Waste Management Act - The Act of July 7, 1980 (P.L. 380, No. 97), 35 P.S. Section 6018.101 et seq.

31.) Source Separated Recyclable Materials - Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

SECTION 2. Municipal Recycling Program

There is hereby established a Municipal Recycling Program for the mandatory separation of recyclable materials and leaf waste from municipal waste in the Municipality of Monroeville. Specific program regulations are provided as Attachment A to this Ordinance. The Municipality of Monroeville is empowered to make changes to program regulations as necessary as described in Section 12 hereof, provided that the collection of recyclable materials shall be made at least once per month by the Municipality, its designated agent, or any other authorized waste collectors operating in the Municipality. The Recycling Program shall also contain a sustained public information and education program.

SECTION 3. Prohibition of Lead Acid Batteries

Disposal by persons of lead acid batteries with municipal waste and/or recyclable materials is hereby prohibited.

SECTION 4. Materials Designated for Recycling

A.) Residential Dwelling (Residences and Apartments)

In addition to separating leaf waste from municipal waste, all persons shall be required to separate from municipal waste generated at their homes, apartments and other residential establishments to be designated by the Municipality from the following materials:

- 1.) Clear glass;
- 2.) Colored glass;
- 3.) Aluminum;
- 4.) Steel and bi-metallic cans;

- 5.) Newsprint;
- 6.) Corrugated paper;
- 7.) High grade office paper;
- 8.) Plastic.

B.) Commercial, Municipal, Institutional Establishments, and
Community Activities

All commercial, municipal and institutional establishments and community activities shall be required to separate for recycling, materials including high grade office paper, aluminum, corrugated paper and leaf waste. Based upon the volume generated, the Municipality may require additional materials to be separated for recycling from the following materials:

- 1.) Clear glass;
- 2.) Colored glass;
- 3.) Steel and bi-metal cans;
- 4.) Newsprint.

SECTION 5. Preparation/Storage of Designated Recyclable Materials

Refer to Attachment A.

SECTION 6. Ownership of Recyclables

Nothing in this Ordinance shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curb side or a similar designated location for collection by the Municipality or its agents and/or contractor.

SECTION 7. Ownership of Containers for Recyclable Materials

Any containers provided to residents 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 containers to the Municipality or shall pay the replacement cost of said containers. 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 containers shall be a violation of this Ordinance.

SECTION 8. Collection of Designated Recyclable Materials by the
Municipality

The Municipality shall pick up or provide for the pick-up of all recyclable materials from the curb side or similar location of all dwellings of 1 or 4 units and other participating establishments one (1) time per week on the designated day that the municipal waste is picked up by the Municipality or its agents and/or contractor. Said recyclable material shall be placed in the designated containers to be provided by the Municipality and shall be picked up by trucks and other related equipment at the curb side or similar location. The recyclable material shall be transported to the recovery facility where the recyclable materials will be separated for sale to a secondary market or reused by a manufacturer as a substitute for or a supplement to virgin or raw materials. The Municipality or its agents and/or contractors shall provide written documentation of the total number of tons of recyclable material collected and disposed of each year pursuant to the provisions of the aforementioned Act 101 of July, 1988.

SECTION 9. Collection and Documentation for Multi-Family
Residential

Dwellings of Five or More Units (Apartments)

Any person, owner, landlord or agent of an owner or landlord of multi-family rental housing properties with five (5) or more units must

comply with the requirements of this Ordinance by establishing an independent collection system for recyclable materials at each multi-family rental housing property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the individual collection system. Persons, owners, landlords and agents of owners or landlords who comply with the provisions of this Section shall not be liable for the non-compliance of occupants of the multi-family rental housing properties. Any owners, landlords and/or their agents of multi-family dwellings of 5 or more units must provide annually to the Municipality of Monroeville written documentation of the total number of tons of material that have been recycled. This written documentation shall be in the form of receipt slips which shall show the volume of material recycled per receipt. This written documentation must also show the total number of tons of recyclable material collected and disposed of per year.

SECTION 10. Collection and Distribution of Commercial, Institutional or Municipal Establishments

Any person, occupying a commercial, institutional or municipal establishment within the municipal boundaries of the Municipality of Monroeville must provide for their own separation and collection of recyclable materials, and must provide annually to the Municipality of Monroeville written documentation of the total number of tons of material that have been recycled. This written documentation shall be in the form of receipt slips which shall show the volume of material recycled per receipt. This written documentation must also show the total number of tons of recyclable material collected and disposed of per year.

SECTION 11. Unauthorized Collection of Designated Materials

It shall be unlawful for any unauthorized person to collect or pickup or cause to be collected or picked up any recyclable material once it has been placed at the curb or other similar designated location.

It shall also be unlawful for any person to collect, remove or dispose of solid and/or municipal waste which contains recyclable materials when they are combined with other forms of solid and/or municipal waste.

SECTION 12. Enforcement and Administration

The Municipality of Monroeville Municipal Council 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:

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 and apartments.

B.) Establishing procedures for the distribution, monitoring and collection of containers for the recyclables.

C.) Establishing procedures and rules for the collection of leaf waste.

D.) Establishing collection procedures for the recyclable materials.

E.) Establishing reporting procedures for amounts of materials recycled.

SECTION 13. PENALTIES

Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and

cost of prosecution, or in default of payment of such fine and cost, to undergo imprisonment for not more than thirty (30) days.

Each violation of the provisions of this Ordinance shall constitute a separate and distinct offense punishable as provided for in this Section.

Violations are for:

- A) Not participating in recycling program
- B) Theft of Municipal property

SECTION 14. SEVERABILITY

If any section, sentence, or any other part of this Ordinance is invalid, that which remains is self-sustaining, and capable of separate enforcement without regard to the stricken portion, in which case that which remains should be sustained.

SECTION 15. CONFLICT

Any Ordinance or part of an Ordinance to the extent that it is inconsistent with the provisions of this Ordinance is hereby repealed.

SECTION 16. EFFECTIVE DATE


This Ordinance shall take effect and be in force on the 1st day of September, 1990.

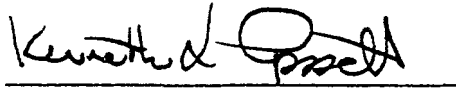
ORDAINED AND ENACTED into law this 14th day of August, 1990.

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE


Robert N. Decker
Municipal Manager


Kenneth L. Gossett
Deputy Mayor

Entered into Legal Book August 24, 1990.

RECYCLING PROGRAM REGULATIONS

These regulations will govern the Municipality of Monroeville Recycling Program as empowered by Section 2 of Ordinance No. ____.

I. Designated Materials to be Separated for Collection and Recycling by Dwelling Units (Residences and Apartments)

- a.) Leaf Waste
- b.) Aluminum Cans
- c.) Steel and Bi-Metal Products
- d.) Glass

II. Designated Materials for Recycling to be separated for Collection and Recycling by Commercial, Municipal and Institutional Establishments

- a.) Leaf Waste
- b.) Aluminum
- c.) High Grade Office Paper
- d.) Corrugated Paper

III. Procedures for the Distribution, Monitoring and Collection of Containers for the Recyclables

A. Regarding Dwellings of 1 to 4 Units

- 1. Distribution : To be developed.
- 2. Monitoring : To be developed.
- 3. Collection : To be developed.
- 4. Fee for Containers :
The initial containers are provided free of charge. Additional containers will be provided at the rate of the replacement cost to the Municipality.

B. Regarding Commercial, Municipal, and Institutional Establishments and Apartments

- 1. Distribution :
Distribution of containers for the recyclables must be provided for by commercial, municipal, and institutional establishments and apartments pursuant to the terms of their independent recyclable collection system.

2. Monitoring :
Municipality of Monroeville

Procedures for and Rules for the Collection of Leaf Waste

- A. Regarding Dwellings of 1 or 4 Units
 1. Collection :
Leaf waste shall be bagged and placed at the curb for specified pick-up days, generally 2 days in the Fall and 1 day in the Spring.
 2. Fee for Collection :
- B. Regarding Commercial, Municipal and Institutional Establishments and Apartments
 1. Collection :
The procedures for and rules for the collection of leaf waste regarding commercial, municipal and institutional establishments and apartments must be provided for by the independent recyclable collection system established.
 2. Fee for Collection :
Fees will be established pursuant to the independent collection systems.

Collection Procedures for Recyclable Materials other than Leaf Waste

- A. Regarding Dwellings of 1 or 4 Units
 1. Collection :
The recyclable materials other than leaf waste shall be collected on a weekly basis on the same day as municipal waste collection. Said materials shall be placed in the containers provided and placed curbside on the day designated for collection.
 2. Fee for Collection :
- B. Regarding Commercial, Municipal and Institutional Establishments and Apartments
 1. Collection :
Collection procedures for recyclable materials other than leaf waste regarding commercial, municipal and institutional establishments and apartments shall be provided for by the independent recyclable collection system.

2. Fee for Collection :

The fee for collection of recyclable materials other than leaf waste for commercial, municipal and institutional establishments and apartments shall be provided for by the independent recyclable collection system.

VI. Reporting Procedures for the Amounts of Materials Recycled

- A. Reports by the Municipality to the State are to be made by the administrative staff of the Municipality of Monroeville.
- B. Commercial, Municipal and Institutional Establishments and Apartments Reports to the Municipality

The reporting procedures for the amounts of materials recycled by commercial, municipal and institutional establishments and apartments shall be set forth and prepared pursuant to the independent system for the collection of recyclable materials and pursuant to Section 9 and 10 of this Ordinance.

VII. Public Education Program

- A. To be developed.
- B. Regarding Commercial, Municipal and Institutional Establishments and Apartments, the Municipality of Monroeville will be responsible for the Public Education Program.

VIII. Changes to the Recycling Program

The Recycling Program Regulations will require approval from the Municipal Council by Resolution. Public notice and notification to all affected parties will be required in advance of any program changes.