RECYCLING ORDINANCE
BOROUGH OF SEVEN FIELDS
ORDINANCE #33 (AMENDED)

AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS; PROHIBITING THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; EMPOWERING THE MUNICIPALITY TO ADOPT AND PROMULGATE REASONABLE REGULATIONS; AND TO FIX PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) 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 source separated recyclable materials; and

WHEREAS, removing recyclable materials from the municipal waste stream will decrease the flow of solid waste to municipal waste landfills, aid in the conservation and recovery of valuable resources, and conserve energy in the manufacturing process; and

WHEREAS, it is the desire of the municipality to adopt and implement recycling programs and to regulate, where necessary, the collection, transportation, and marketing of recyclable materials from residential, commercial, municipal and institutional properties;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE Borough Council of Seven Fields, Borough of Seven Fields, Butler County, Pennsylvania, as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known and may be cited as the Borough of Seven Fields Recycling Ordinance.

SECTION II. DEFINITIONS

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

"Act 101" - The Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988).

"Aluminum" - Empty all aluminum food and beverage containers, clean aluminum foil and pie tines, aluminum skiing, aluminum frames of furniture, scrap from industrial sources, and

other all aluminum materials.

"Bi-metallic Containers" - Empty food or beverage containers consisting of ferrous sides with aluminum top and bottom. A container is bi-metallic if a magnet sticks to the sides and not the ends.

"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.

"Commercial Establishment" - Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing four (4) or more dwellings units.

"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 200 or more individuals per day.

"Corrugated Paper" - Containerboard cartons, Kraft linerboard, and shipping boxes with corrugated paper medium. This definition also includes Kraft (brown) paper bags.

"Glass Containers" - Empty bottles and jars made of clear, green or brown glass. This definition does not include non-container glass, window glass, blue glass and porcelain, ceramic products, and light bulbs.

"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.

"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.

"Lead Acid Batteries" - Automotive, truck and industrial batteries that contain lead.

"Yard Waste" - Leaves, garden residues, shrubbery and tree trimmings, grass clippings, and similar material.

"Multi-family Housing" - properties having four (4) or more dwelling units per structure.

"Municipal Establishment" - Public facilities operated by the Borough and other governmental and quasi-governmental agencies.

"Municipal Waste" - As defined by Act 101.

"Municipality" - The Borough of Seven Fields.

"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.

"Person" - Owners, lessees, and occupants of residences, commercial, municipal or institutional establishments.

"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.

"Recyclable Materials" - Materials generated by residences, commercial, municipal, and institutional establishments which are specified by the borough or by the 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.

"Recycling" - The collection, separation, recovery and sale or reuse of metals, glass, paper, yard 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 and reusable materials other than a fuel for the operation of energy.

"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.

"Source-separated Recyclable Materials" - Materials that are separated from municipal waste at the point of origin for the purpose of being recycled.

"Steel Containers" - All coated (tin, zinc, etc.) and other empty ferrous food and beverage containers, including alloyed materials. This definition also includes ferrous and alloyed ferrous scrap materials derived from iron, and stainless steel and white goods (large appliances).

"Townhouse" - as defined in the Borough of Seven Fields zoning ordinance.

SECTION III. ESTABLISHMENT OF PROGRAM

The Borough hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation and composting of yard waste from all residences, commercial, municipal and institutional establishments located in the Borough. Recyclable Materials shall be collected at such times and dates, at least once per month, as may be hereinafter established by regulation. The recyclable materials to be collected are aluminum/metal cans, #1 & #2 plastics, glass, newspaper, magazines, phone books and such other materials as established by the Borough pursuant to Ordinance.

SECTION IV. SEPARATION AND COLLECTION

A. Persons in residential establishments shall separate recyclable materials from other waste. recyclable materials shall be placed at the curbside. Recyclable materials shall be prepared for collection according to municipal or County guidelines and shall be placed in containers provided by the municipality, or as obtained by the residents by ordinance, or cut and baled, tied, bundled, stacked, or packaged in compliance with the guidelines.

   1. Recycling containers shall be supplied to residents free of charge provided such containers are made available to the Borough free of charge through any local or state recycling program. When such free containers are no longer available, it shall be the responsibility of the residents to purchase an approved form of container for use in this and any other recycling ordinance. Any resident who moves shall be responsible for leaving the container within the residence or shall pay the replacement cost of said container, if said resident received a free container.

   2. Use of the allocated recycling container for the disposal of municipal waste other than recycable materials shall be a violation of this ordinance.

B. An owner, landlord, or agent of the owner or landlord, of a multi-family housing property with four (4) or more units, but not including townshouse 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 owners, 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 the use and availability of the collection system.

1. Owner, landlord, or agent of multi-family property who are in compliance with the Ordinance shall not be liable for noncompliance by the occupants of their property.

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 borough, and shall store the recyclable material until collection. These establishments may be exempted from this Ordinance if the establishments have otherwise provided for the recycling of materials specified by this Ordinance and provide documentation to the Borough annually indicating the 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 Borough reporting the tonnage of materials recycled by the establishment or activity during the previous year.

SECTION V. YARD WASTE

All owners, lessees or occupants of any residential, commercial, institutional, multi-family, or municipal properties in the Borough shall separate yard waste from other waste. (The Borough will specify by regulation the disposition of yard waste.)

SECTION VI. LEAD ACID BATTERIES

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

SECTION VII. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials, when placed at the curbside, become the property of the Borough 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 Borough. 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 collector.

SECTION VIII. FRANCHISE OR LICENSE

The Borough 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, and as per Borough of Seven Fields Ordinance #19, and as amended.

SECTION IX. ADMINISTRATION AND ENFORCEMENT

The Borough officials are authorized by this Ordinance to enact reasonable rules and regulations for the operation and enforcement of this Ordinance including, but not limited to:

A. Designating recyclable materials to be separated by residential establishments, and designating additional recyclable materials to be separated by commercial, institutional and municipal establishments.

B. Establishing collection procedures for recyclable materials;

C. Establishing reporting procedures for volumes of materials recycled;

D. Establishing procedures for the distribution, monitoring, and collection of recycling containers;

E. Establishing procedures and rules for the collection of yard waste; and

F. Establishing procedures for the enforcement of the provisions of this Ordinance.

SECTION X. VIOLATIONS

Any person, firm or corporation who shall violate the provisions of this Ordinance 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 herein provided. No enforcement of Sections 3 and 4 of

this Ordinance shall be made until three (3) months from the effective date of this Ordinance.

Upon conviction of violation of the provisions of this Ordinance, a fine of not less than $25.00 nor more than $300.00 including costs of prosecution for each and every offense is imposed.

A. Collection by Unauthorized Persons - Violation.
It shall be a violation of this Ordinance to collect recyclable materials unless such collection firm, person, or corporation is licensed by the County or is authorized by the Borough as provided for in Section 7. Unauthorized collection of recyclable materials from one or more residential, commercial, institutional, or municipal establishments on one calendar day shall constitute a separate and district offense punishable as provided in this Section.

B. Failure to Separate Recyclables - Violation.
It shall be a violation of this Ordinance for any person to mix recyclable materials with other waste for collection and disposal purposes.

SECTION XI. REPEAL AND SEVERABILITY

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. 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.

SECTION XII. EFFECTIVE DATE

This Ordinance shall take effect on January 1, 1995, and shall be in force from and after its approval as required by law.

ORDAINED AND ENACTED into law this 22 day of December 1994.

Robert M. Messina
Robert Messina, Council President

Christine Wells
Christine Wells, Manager

REVIEWED AND APPROVED BY ME THIS 22nd day of Dec., 1994.

Elisabeth Brugnone, Mayor
Elisabeth O. Brugnone

RECYCLING ORDINANCE
BOROUGH OF SEVEN FIELDS
ORDINANCE NO. 33

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WHEREAS, removing recyclable materials from the municipal waste stream will decrease the flow of solid waste to municipal waste landfills, aid in the conservation and recovery of valuable resources, and conserve energy in the manufacturing process; and

WHEREAS, it is the desire of the municipality to adopt and implement recycling programs and to regulate, where necessary, the collection, transportation, and marketing of recyclable materials from residential, commercial, municipal and institutional properties;

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"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.

"Commercial Establishment" - Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing four (4) or more dwellings units.

"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 200 or more individuals per day.

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SECTION IV. SEPARATION AND COLLECTION

A. Persons in residential establishments shall separate recyclable materials from other waste. recyclable materials shall be placed at the curbside. Recyclable materials shall be prepared for collection according to municipal or County guidelines and shall be placed in containers provided by the municipality, or as obtained by the residents by ordinance, or cut and baled, tied, bundled, stacked, or packaged in compliance with the guidelines.

1. Recycling containers shall be supplied to residents free of charge provided such containers are made available to the Borough free of charge through any local or state recycling program. When such free containers are no longer available, it shall be the responsibility of the residents to purchase an approved form of container for use in this and any other recycling ordinance. Any resident who moves shall be responsible for leaving the container within the residence or shall pay the replacement cost of said container, if said resident received a free container.

2. Use of the allocated recycling container for the disposal of municipal waste other than recycable materials shall be a violation of this ordinance.

B. An owner, landlord, or agent of the owner or landlord, of a multi-family housing property with four (4) or more units, but not including townshouse 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 owners, 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 the use and availability of the collection system.

1. Owner, landlord, or agent of multi-family property who are in compliance with the Ordinance shall not be liable for noncompliance by the occupants of their property.

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 borough, and shall store the recyclable material until collection. These establishments may be exempted from this Ordinance if the establishments have otherwise provided for the recycling of materials specified by this Ordinance and provide documentation to the Borough annually indicating the 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 Borough reporting the tonnage of materials recycled by the establishment or activity during the previous year.

SECTION V. YARD WASTE

All owners, lessees or occupants of any residential, commercial, institutional, multi-family, or municipal properties in the Borough shall separate yard waste from other waste. (The Borough will specify by regulation the disposition of yard waste.)

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

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All recyclable materials, when placed at the curbside, become the property of the Borough 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 Borough. 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.

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SECTION VIII. FRANCHISE OR LICENSE

The Borough 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, and as per Borough of Seven Fields Ordinance #19, and as amended.

SECTION IX. ADMINISTRATION AND ENFORCEMENT

The Borough officials are authorized by this Ordinance to enact reasonable rules and regulations for the operation and enforcement of this Ordinance including, but not limited to:

A. Designating recyclable materials to be separated by residential establishments, and designating additional recyclable materials to be separated by commercial, institutional and municipal establishments.

B. Establishing collection procedures for recyclable materials;

C. Establishing reporting procedures for volumes of materials recycled;

D. Establishing procedures for the distribution, monitoring, and collection of recycling containers;

E. Establishing procedures and rules for the collection of yard waste; and

F. Establishing procedures for the enforcement of the provisions of this Ordinance.

SECTION X. VIOLATIONS

Any person, firm or corporation who shall violate the provisions of this Ordinance 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 herein provided. No enforcement of Sections 3 and 4 of

this Ordinance shall be made until three (3) months from the effective date of this Ordinance.

Upon conviction of violation of the provisions of this Ordinance, a fine of not less than $25.00 nor more than $300.00 including costs of prosecution for each and every offense is imposed.

A. Collection by Unauthorized Persons - Violation.
It shall be a violation of this Ordinance to collect recyclable materials unless such collection firm, person, or corporation is licensed by the County or is authorized by the Borough as provided for in Section 7. Unauthorized collection of recyclable materials from one or more residential, commercial, institutional, or municipal establishments on one calendar day shall constitute a separate and district offense punishable as provided in this Section.

B. Failure to Separate Recyclables - Violation.
It shall be a violation of this Ordinance for any person to mix recyclable materials with other waste for collection and disposal purposes.

SECTION XI. REPEAL AND SEVERABILITY

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. 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.

SECTION XII. EFFECTIVE DATE

This Ordinance shall take effect on June 1, 1992, and shall be in force from and after its approval as required by law.

ORDAINED AND ENACTED into law this 4th day of May, 1992.

Phyllis A. Coleman

Phyllis A. Coleman, Council President

Christine R. Clutter

Christine R. Clutter, Secretary

REVIEWED AND APPROVED BY ME THIS 4th day of May, 1992.

Dr. Michael H. Coleman, Mayor

Dr. Michael H. Coleman, Mayor