ORDINANCE NO: 987
AS AMENDED BY
ORDINANCE NO: 1107

AN ORDINANCE OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA, PROVIDING FOR REGULATIONS GOVERNING COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, 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 source separated recyclable materials; and

WHEREAS, reduction of the amount of solid waste and conservation of recyclable materials is an important public concern by reason of the growing problem of solid waste disposal and its impact on our environment; and

WHEREAS, recycling conserves valuable material resources and energy, promotes greater efficiency in the regional economy and

WHEREAS, recycling will reduce the overall amount of solid waste presently generated and thus reduce storage, collection, transportation and disposal costs:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Union city, and it is hereby ordained by the authority of the same that:

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

"Aluminum" shall mean empty aluminum beverage or food cans.

"Bi-metal Containers" shall mean empty food or beverage containers consisting of steel and aluminum, including empty paint cans and spray paint cans.

"Clean Recyclables" means not exposed to foreign substances or conditions rendering them unusable for recycling.

"Collector" shall mean the entity or an entity authorized by the Municipality to collect waste and/or recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Municipality to collect recyclable materials from those properties.

"Commercial Establishments" shall mean those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than four (4) dwelling units.

"Commingled" shall mean source separated, non-putrescible recyclable materials that have been mixed at the source of generation (i.e. placed in the same container).

"Ferrous Containers" shall mean empty steel or tin coated food or beverage containers.

"Garbage" shall mean all household waste from the preparation, cooking and use of food intended for human consumption: all fish, foul, fruit, vegetables, animal or other matter which was intended to be used for human consumption, including condemned foods.

"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 grass and porcelain and ceramic products.

"Hazardous Waste" shall mean any waste which is in liquid or sludge form, any industrial or pollution control wastes, any waste which is delivered in drums, barrels, or tankers. This includes, but is not limited to, such items as paints and chemical agents and as the same are forbidden to be hauled by Federal and State regulations.

"Institutional Establishment" shall mean those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, day care centers, and schools.

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

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

"Mixed Residential Paper" shall mean any office paper, computer paper, junk mail (coupons, sweepstakes entries, including envelopes). The following are specifically excluded from the definition of (hereafter referred to as "Excluded Material"): newspapers, cardboard, cereal boxes and telephone books.

"Multi-Family Housing Properties" shall mean any properties having two (2) or more dwelling units per structure. (Amended by Ord. No. 1107; Enacted April 11, 2017).

"Municipal Establishment" shall mean public facilities operated by the Municipality and other governmental and quasi-governmental authorities.

"Municipality" shall mean the Borough of Union City.

"Old Newspaper" 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, lessees, and occupants of residences and commercial, municipal and institutional establishments.

"Plastics" shall include plastic #1 (PET. Polyethylene Terephtholate) and #2 (HDPE, High-Density Polyethylene).

"Recyclable Materials" shall mean 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 bimetallic 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.

"Recycling" shall mean the collection, separation, recovery and sale or reuse 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.

"Rubbish" shall mean all household goods and refuse from normal household activities: rags, wood not over 36 inches in length, barrels, packing material, carpeting, leather, straw, metal cooking utensils, toys, porcelain, shoes, clothing, furniture, springs, mattresses, stoves, furnace pipes, dishwashers, washers, dryers, and hot water tanks, etc.

"Residences" shall mean any occupied single dwelling unit per structure for which the Municipality provides municipal waste collection service. (Amended by Ord. No. 1107; Enacted April 11, 2017).

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

SECTION II. ESTABLISHMENT OF PROGRAM/GRANT OF POWER

The Borough of Union City hereby establishes a recycling program for the voluntary separation and collection of recyclable materials and the separation and collection of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Municipality for which waste collection is provided by the Borough of Union City. Collection of the recyclable materials shall be made at least once a week by the Borough's designated disposal service or any authorized disposal service to collect recyclable materials from commercial, municipal and institutional establishments. (Amended by Ord. No. 1107; Enacted April 11, 2017).

SECTION III. SEPARATION AND COLLECTION

1.) RECYCLABLES

A. All residences, multi-family housing properties, commercial, municipal and institutional establishments of the Borough of Union City may separate all of those Recyclable Materials designated by the Borough from all other municipal waste produced at their homes, apartments, offices, industries, clubs, churches, schools and any other establishments, store such materials for collection, and shall place same for collection in

accordance with the guidelines established hereunder. (Amended by Ord. No. 1107; Enacted April 11, 2017).

1. Recyclable Materials shall be placed at the curbside in containers provided by the Municipality for collection. Any containers provided to residents, commercial, municipal and institutional establishments for collection of recyclable materials shall be the property of the Municipality and shall be used only for the collection of recyclable materials. Any residents, commercial, municipal and institutional establishments who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Municipality or shall 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. (Amended by Ord. No. 1107; Enacted April 11, 2017).

2. An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with more than two (2) or more 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 instructions to the occupants concerning the use and availability of the collection system. (Amended by Ord. No. 1107; Enacted April 11, 2017).

   If Recyclable Materials are collected by a collector other than the Borough or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year.

B. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection.

C. Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Borough generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this paragraph if that person submits documentation to the Borough annually indicating that the designated recyclable materials are being recycled in an appropriate manner.

If recyclable materials are collected by a collector other than the Municipalities designated disposal service, occupants of said establishments shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year.

D. All persons must place said containers for the storage of recyclables at the curb line by 6:00 A.M. on the days of service.

E. All recyclables shall not be set out more than 24 hours prior to the scheduled pick-up.

2.) LEAF WASTE

A. The Borough's designated disposal service shall provide, at the least, unlimited pick up of leaf waste within the Borough at least once a week, for a six week period, starting the third week of September of each year. (Amended by Ord. No. 1107; Enacted April 11, 2017).

3.) GARBAGE

A. Each private residence, apartment and other residential place within the Borough of Union City shall have garbage service through the Borough's designated disposal service. Garbage and rubbish as herein defined, when properly prepared for collection, shall be collected and removed by the Borough's designated disposal service at least once each week from private residences, apartments, and other residential places within the Borough of Union City. For multi-family residences the property owner shall have garbage service through the Borough's designate disposal service for each unit, or shall at all times provide the tenants with a dumpster and shall maintain an agreement with a private disposal service. (Amended by Ord. No. 1107; Enacted April 11, 2017).

B. It shall be the duty of every owner, manager or person in possession, in charge or control of any boarding house, apartment house, and of every resident, householder, tenant and person occupying a dwelling, apartment or place of residence within the Borough of Union City:

1. To provide and at all times to keep, as in the Ordinance prescribed on person(s) premises a sufficient number of portable receptacles to contain all garbage and rubbish as the same is defined herein. Said receptacles shall not weigh more than 50 pounds when tilled.

2. To place all said receptacles for the storage of garbage and rubbish at the curb line by 6:00 A.M. on the day of service.

3. All garbage and rubbish shall not be set out more than 24 hours prior to the scheduled pick-up.

SECTION IV. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Borough or the Municipality designated disposal service pursuant to this Ordinance shall, from time of placement at the curb, become the property of the Borough or the authorized disposal service. 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 V. RESERVED

(Amended by Ord. No. 1107; Enacted April 11, 2017).

SECTION VI. RECYCLING OF MATERIALS

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 to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Borough of Union City in writing. (Amended by Ord. No. 1107; Enacted April 11, 2017).

SECTION VII. RESERVED

(Amended by Ord. No. 1107; Enacted April 11, 2017).

SECTION VIII. ENFORCEMENT

The Borough Police Department shall enforce this Ordinance. The Borough Police Department shall mail a written notification of ordinance violation to any person who may violate any provision of this Ordinance. The offender shall have ten (10) days in which to abate or correct such violation. If the offender fails to comply with the ten (10) days, summary proceedings may be brought against the offender before the Magisterial District Justice. Any person who shall violate any of the provisions of this Ordinance, upon conviction thereof before a Magisterial District Justice, shall be sentenced to pay a fine of not less than $30.00 nor more than $300.00 and the cost of prosecution and on failure to pay such fine and cost may be sentenced to imprisonment in the County jail for a period not to exceed 30 days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting this continuation or violation may be punished as provided above for each separate offense. (Amended by Ord. No. 1107; Enacted April 11, 2017).

SECTION IX. All Ordinances or parts of Ordinances inconsistent herewith be in the same are hereby repealed.

SECTION X. The provisions of this Ordinance shall be severable and if any of its provisions shall be unconstitutional, the decision of the Court as to those provisions shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted by Council had such unconstitutional provisions or revisions not been included therein.

[END]

SECRETARY'S CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 987 enacted by the Borough Council of the Borough of Union City on September 9, 1997, as amended by Ordinance No. 1107 enacted by the Borough Council of the Borough of Union City on April 11, 2017.

Cindy Wells

Borough Secretary

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