

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1138
AS AMENDED BY ORDINANCE 1154**

AN ORDINANCE OF THE BOROUGH OF UNION CITY, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, REPEALING ORDINANCE NO. 987, ORDINANCE NO. 1107 AND ANY AMENDMENTS THERETO, GENERALLY KNOWN AS THE GARBAGE AND RECYCLING ORDINANCES; PROVIDING DEFINITIONS RELATED TO GARBAGE AND RECYCLING; PROVIDING FOR REGULATIONS GOVERNING THE COLLECTION AND RECYCLING OF GARBAGE, RUBBISH, AND RECYCLABLE MATERIALS; ESTABLISHING PENALTIES AND ENFORCEMENT FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.101 *et seq.*, 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, on or about September 9, 1997, the Borough Council of the Union City Borough (the “Borough”) adopted Ordinance No. 987, colloquially known as the Union City Borough Garbage and Recycling Ordinance; and

WHEREAS, on or about April 11, 2017, the Borough adopted Ordinance No. 1107, which amended Ordinance No. 987 to reflect the Borough’s updated policies on garbage and recycling; and

WHEREAS, the Borough desires to repeal Ordinance No. 987 and Ordinance No. 1107 and adopt this Ordinance in order to provide clarity to the Borough’s citizens on the existing garbage and recycling policies of the Borough; and

WHEREAS, the Borough Council finds that the adoption of a new Garbage and Recycling Ordinance will be in the best interest of the citizens and residents of the Borough.

NOW THEREFORE, on this 8th day of June, 2021, **BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Union City, Erie County, Pennsylvania, as follows:

1. Recitals. The recitals listed above are incorporated as if more fully set forth herein.
2. Repeal of Ordinance No. 987 and Ordinance 1107. Borough Ordinance No. 987, Borough Ordinance No. 1107 and any amendments or related ordinances are hereby repealed, in their entireties.

3. Title. This Ordinance may be cited as the “Union City Garbage and Recycling Ordinance.”

4. Definitions. The following words and phrases when used throughout this Ordinance shall have the meanings described below: **(Amended by Ordinance No. 1154, approved March 13, 2023)**

A. Aluminum Cans- food and beverage containers made and fabricated primarily of aluminum and most commonly used to contain soda, beer, and other beverages.

B. Bi-Metallic Containers- food and beverage containers which consist of iron, steel, or a metal alloy, including, but not limited to, empty paint cans and spray cans.

C. Clean Recyclables- those recyclable materials that have not been exposed to foreign chemicals, substances, or conditions that would render them ineligible for recycling.

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

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

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

G. Corrugated Paper- structural paper material with an inner core shaped in rigid parallel furrows and ridges.

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

I. Garbage- all household waste from the preparation, cooking, and use of food intended for human consumption; all fish, fowl, fruit, vegetables, animal, or other matter which was intended to be used for human consumption including condemned foods.

J. Hazardous Waste- any waste material, in liquid or sludge form, including any industrial or pollution control waste, and any waste which is delivered in drums, barrels, or tankers. “Hazardous Waste” shall include, but not be limited to, paints, chemical agents, and any materials that are prohibited from hauling by applicable Federal and Pennsylvania regulations.

K. High-Grade Officer Paper- all white paper, bond paper, and computer paper in commercial, institutional, and municipal establishments as well as residences. Paper may not be shredded.

L. Institutional Establishments- those facilities that house or serve groups of people, including, but not limited to, hospitals, schools, day care centers, and nursing homes.

M. Magazines and Periodicals- printed matter containing written pieces published at fixed or varying intervals, excluding all other paper products of any nature whatsoever.

N. Mixed Residential Paper- office paper, computer paper, junk mail, coupons, and sweepstakes entries, including the envelopes. "Mixed Residential Paper" shall not include newspapers, cardboard, cereal boxes, and telephone books. Paper may not be shredded.

O. Multi-Family Housing Properties- any properties having two (2) or more dwelling units per structure.

P. Municipal Establishments- public facilities operated by the Borough and other municipalities, governmental authorities, or quasi-governmental authorities.

Q. Municipal Waste- any garbage, industrial, lunchroom wastes, or other materials, 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, as defined in the Solid Waste Management Act, 35 P.S. §6018.101 et seq., as amended, generated from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. "Municipal Waste" shall not include source-separated recyclable materials.

R. Newspaper- 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. "Newspaper" shall not include soiled newspaper and glossy advertising inserts typically included with certain newspaper editions.

S. Paper- all grades and colors of typing, wrapping, writing, computer, and corrugated paper; cardboard, cereal and food boxes, soda and beer cartons, paper milk cartons, paper egg cartons, paper bags, and junk mail. Paper may not be shredded.

T. Person- owners, lessees, and occupants of residences, commercial, and/or institutional establishments.

U. Plastics- those materials containing polyethylene terephthalate-pet and high-density polyethylene-hdpe, expressly excluding plastic food and beverage containers.

V. Recyclable Materials- those materials generated by residences and commercial, municipal, and institutional establishments which are specified by the Borough 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 limited to, aluminum, steel and bi-metallic containers, high grade office paper, newspaper, corrugated paper, plastics, and any other items selected by the Borough that are eligible for recycling. The

Borough may revise from time-to-time the items eligible as “Recyclable Materials.” Paper may not be shredded.

W. Recycling- the collection, separation, recovery, and sale or reuse of metals, paper, plastics, and other materials which would otherwise be disposed of or processed as municipal waste or the mechanized separation and treatment of municipal waste and the creation and recovery of reusable materials.

X. Residence(s)- any occupied single dwelling unit for which the Borough provides municipal waste collection services.

Y. Rubbish- all household goods and refuse from normal household activities, including but not limited to, rags, wood not over thirty-six (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.

Z. Source-Separated Recyclable Materials- those materials separated at the point of origin for the purpose of being recycled.

5. Establishment of Program/Grant of Power. The Borough hereby establishes a recycling program for the voluntary separation and collection of recyclable materials from all residences located in the Borough for which waste collection is provided by the Borough’s appointed Collector. Collection of the recyclable materials shall be made at least once every other week, by the Borough’s designated disposal service. **(Amended by Ordinance No. 1154, approved March 13, 2023)**

6. Separation and Collection. **(Amended by Ordinance No. 1154, approved March 13, 2023)**

A. Recyclables. All residences, multi-family housing properties, commercial, municipal, and institutional establishments located in the Borough may separate all those recyclable materials designated by the Borough from all other municipal waste produced at their establishments, store such materials for collection, and shall place the same for collection in accordance with the guidelines established hereunder.

(1) Recyclable materials shall be placed at the curbside in containers. Any containers provided to residences, commercial, municipal, and institutional establishments for collection of recyclable materials by the Borough shall be the property of the Borough, and any containers provided by the Borough’s designated disposal service shall be the property of the Borough’s designated disposal service and shall be used only for the collection of recyclable materials. Any resident, commercial, municipal, or institutional establishment who moves within or from the Borough shall be responsible for returning the allocated container to the Borough. Failure to return said container will result in the resident, commercial, municipal, or institutional establishment incurring the cost for replacement of their container. Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by unauthorized persons shall be a violation of this Ordinance.

(2) An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with 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.

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

(4) Persons must separate high grade office paper, aluminum, corrugated paper, 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 materials described above are being recycled in an appropriate manner.

(5) All persons must place recycling containers at the curb line by 12:00 a.m. on the day of service in order for the Borough, or their designated agent, to pick up recyclable materials. Recycling containers must be moved to the side or rear of the residence within twenty-four (24) hours of pick up.

(6) All recyclable materials shall be set out not more than twenty-four (24) hours prior to the scheduled pick-up.

B. Garbage.

(1) Each private residence, apartment, and other residential place within the Borough shall have garbage service through the Borough's designated disposal service. "Garbage Service" shall include either service provided by the Borough's designated disposal service or the purchase of at least twelve (12) garbage stickers from the Borough's designated disposal service as permitted by the contract with the Borough's designated disposal service.

(2) 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 residences, apartments, and other residential places within the Borough.

(3) For multi-family residences, the property owner shall have garbage service through the Borough's designated 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 for each dumpster.

(4) It shall be the duty of every owner, manager, or person in possession, in charge, or in control of any boarding house, apartment, and of every resident,

householder, tenant, and person occupying a resident, commercial, municipal, or institutional establishment within the Borough:

(a) To provide and at all times keep on the premises a sufficient number of portable receptacles to contain all garbage and rubbish. Said receptacles shall not weigh more than fifty (50) pounds when filled.

(b) To place all said garbage and rubbish storage receptacles at the curb line by 12:00 a.m. on the day of service.

(c) All garbage and rubbish receptacles shall not be set out more than twenty-four hours (24) prior to the scheduled pick-up.

(d) Garbage and rubbish shall be placed at the curbside in containers provided by the Borough's designated disposal service. Any containers provided to residences, commercial, municipal, and institutional establishments for collection of garbage and rubbish provided by the Borough's designated disposal service shall be the property of the Borough's designated disposal service and shall be used only for the collection of garbage and rubbish. Use of garbage and rubbish containers for any purpose other than the collection and disposal of garbage and rubbish shall be a violation of this Ordinance.

(e) Garbage and rubbish containers must be moved to the side or rear of the residence within twenty-four (24) hours of pick up.

7. Ownership of Recyclable Materials. All recyclable materials placed by persons for collection by the Borough, or its designated disposal service, shall, from time of placement at the curb, become 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 those in possession of the same unless and until such materials are placed at the curbside for collection.

8. 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 burning the same materials in incinerators is prohibited unless the collectors or operators have received a permit from the Borough for these operations under the Borough's Zoning Ordinance.

9. Contracting. Each residential property shall contract with the Borough's designated disposal service for garbage and recycling collection. Starting April 1, 2024, all contracts for garbage and recycling collection at single or multi-family residential properties which are rental units shall be made with the property owner. **(Amended by Ordinance No. 1154, approved March 13, 2023)**

10. Enforcement. The Borough Police Department and/or Code Enforcement Officer shall enforce this Ordinance. The Borough Police Department or Code Enforcement Officer shall provide for initial enforcement of this Ordinance pursuant to Borough Ordinance No. 1111, adopted on or about August 22, 2017, as may be amended, known as the Quality of Life Ticketing Ordinance. The Borough Police Department or Code Enforcement Officer shall engage in the disposition of violation tickets issued pursuant to Ordinance No. 1111 through

bringing summary proceedings against the offender before the Magisterial District Judge. Any person who shall violate any of the provisions of this Ordinance upon conviction thereof before a Magisterial District Judge shall be sentenced to pay fines as expressed in Ordinance No. 1111 in addition to the costs of prosecution. Failure to pay such fine and cost may lead to a sentence of imprisonment in the Erie County jail for a period not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) allowing or permitting this continuation or violation may be prosecuted as provided above for each separate offense.

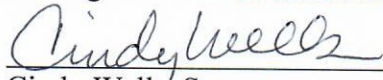
11. Repealer. Any Ordinances, rules, or resolutions, or parts of Ordinances in conflict herewith, are hereby repealed.

12. Severability. The provisions of this Ordinance are severable. If any sentence clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

13. Effective Date. This Ordinance shall become effective immediately upon its proper execution by the Borough Mayor.

SECRETARY'S CERTIFICATION

I certify that the above is a true and correct copy of Ordinance No. 1138 enacted by the Borough Council of the Borough of Union City on June 8, 2021 , as amended by Ordinance No. 1154 enacted by the Borough Council of the Borough of Union City on March 13, 2023.



Cindy Wells, Secretary

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