

ORDINANCE NO. 192 ~~1991~~

AN ORDINANCE OF THE BOROUGH OF MINERSVILLE, SCHUYLKILL COUNTY, PENNSYLVANIA, ADOPTING A MUNICIPAL RECYCLING PROGRAM FOR THE COLLECTION AND RECYCLING OF MUNICIPAL WASTE OR SOURCE SEPARATED RECYCLABLE MATERIALS WITHIN THE BOROUGH.

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, conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment; and

WHEREAS, the adoption and implementation of recycling will effect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment;

NOW, THEREFORE, BE IT ORDAINED, by the Minersville Borough Council of the Borough of Minersville, Schuylkill County, Commonwealth of Pennsylvania by the authority of the same that:

SECTION 1. Title: This ordinance shall be known and may be cited as the:

"Minersville Borough Recycling Ordinance"

SECTION 2. Definitions:

Aluminum Cans - Empty all-aluminum beverage and food containers.

Commercial Establishment - Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

Commonwealth Agency - The Commonwealth and its departments, boards, commissions and agencies, Commonwealth owned universities, and the State Public School Building Authority, the State Highway and Bridge Authority, and any other authority now in existence or hereafter created or organized by the Commonwealth.

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.

Degradable Plastic Beverage Carrier - Plastic beverage carriers that degrade by biological processes, photodegradation, chemodegradation or degradation by other natural processes. The degradation process does not produce or result in a residue or by-product considered to be hazardous waste.

Department - The Department of Environmental Resources of the Commonwealth and its authorized representatives.

Disposal - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

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

Glass Containers - Bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, 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 and in residences.

Institutional Establishment - Those facilities that house or serve groups of people such as hospitals, schools, day care centers, and nursing homes.

Lead Acid Batteries - Included but not limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste - Leaves from trees, bushes and other plants, garden residue, 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. Expressly excluded are all other paper products of any nature whatsoever.

Management - The entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid wastes by any person engaging in such process.

Multi-Family Housing Properties - Any properties having four (4) or more dwelling units per structure.

Municipal Establishments - Public facilities operated by the municipality and other governmental and quasi-governmental authorities.

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

Municipal Waste - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid 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 or residual or hazardous waste in the Solid Waste Management Act 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.

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 under the Solid Waste Management Act. The term does 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.

Municipality - The Borough of Minersville, Schuylkill County, Pennsylvania.

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.

Operator - A person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this ordinance.

Person - Any owner, lessee, occupants of residences, commercial or institutional establishments, individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this ordinance 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.

Plastic Beverage Carrier - Plastic rings or similar plastic connectors used as holding devices in the packaging of beverages, including, but not limited to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

Plastic Containers - Empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

Pollution - Contamination of any air, water, land or other natural resources of the Borough of Minersville that will create or is likely to create a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other life.

Postconsumer Material - Any product generated by a business or consumer which has served its intended end use, and which has been separated or diverted from solid waste for the purposes of collection, recycling, and disposition. The term includes industrial byproducts that would otherwise go to disposal or processing facilities. The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes.

Processing - Any technology used for the purpose of reducing the volume of bulk or municipal waste or any technology used to convert part or all of such waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

Recyclable Materials - Source separated recyclable materials, including materials listed in §1501 of Act 101, and materials identified by the municipality to be recycled.

Recycling - 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 other than a fuel for the operation of energy.

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

Residual Waste - Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or

contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law.

Solid Waste - Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contains gaseous materials. The term does not include coal ash or drill cuttings.

Solid Waste Management Act - The act of July 7, 1980 (P.L. 380, No. 97).

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

Storage - The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Transportation - The offsite removal of any municipal waste at any time after generation.

Treatment - Any method, technique or process, including, but not limited to, neutralization, designed to change the physical, chemical or biological character or composition of any municipal waste so as to neutralize such waste or so as to render such waste safer for transport, suitable for recovery, suitable for storage or reduced in volume.

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 Department for beneficial use.

SECTION 3. Powers, Duties and Responsibilities of the Borough of Minersville.

1. Responsibilities. The Borough of Minersville shall have the power and its duty shall be to assure the proper and adequate transportation, collection and storage of municipal waste which is generated or present within its boundaries, to assure adequate

capacity for the disposal of municipal waste generated within its boundaries by means of the procedure set forth in section 1111 of the Municipal Waste Planning, Recycling and Waste Reduction Act and to adopt and implement a program for the collection and recycling of municipal waste or source-separated recyclable materials as provided in this ordinance.

2. Powers. In carrying out its duties under this section, the Borough may adopt resolutions establishing procedures, regulations and standards for the recycling, transportation, storage and collection of municipal wastes, or source-separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and the regulations promulgated pursuant thereto.

3. Duties. The Borough shall implement the provisions of this ordinance by collecting, transporting processing or marketing source separated materials or may contract, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection and storage of municipal waste and source-separated recyclable materials, if the recycling, transportation, collection or storage activity or facility is conducted or operated in a manner that is consistent with the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, this ordinance and the regulations promulgated pursuant thereto. Any such person shall be jointly and severally responsible with the Borough of Minersville when carrying out its duties for transportation, collection or storage activity or facility.

SECTION 4. Designated Site[s].

The Borough Council hereby requires that all municipal waste generated within its jurisdiction shall be disposed of or processed at the designated permitted facility[s] located at Pine Grove Landfill, Inc., Pine Grove Township, Schuylkill County, Pennsylvania. Such a facility[s] shall retain this designation until the County of Schuylkill adopts a waste flow control ordinance as part of a plan submitted to the Department of Environmental Resources pursuant to section 501(a), (b) or (c) of the Municipal Waste Planning, Recycling and Waste Reduction Act. Upon approval of a municipal waste management plan for the County of Schuylkill by the department, the site for the disposal or processing of Borough waste shall, thereafter, be designated thereby. Nothing contained in this section shall affect the agreements presently existing between the Borough and any facility for the disposal of waste generated within its boundaries.

Insert A:

If the Borough has an option of soliciting bids or negotiating separate contracts for municipal waste disposal under

any then existing County plan or its equivalent, then the designated site may be changed by resolution pursuant to this ordinance.

SECTION 5: Minersville Recycling Program.

The Borough hereby establishes and implements a source separation and collection program for recyclable materials in accordance with section 1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act. The source separation and collection program shall include the following regulations:

1. Persons are hereby required to separate at least three (3) materials, deemed appropriate hereafter, from other municipal waste generated at their homes, apartments and other residential establishments and to store such material until collection. At least three (3) materials shall be designated periodically from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics. 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 curbside or similar location for collection by the Borough or its contractors.

2. Persons are hereby required to separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments until collection unless those persons have otherwise provided for the composting of leaf waste. The Minersville Borough Council shall allow an owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units to comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property.

3. Persons are hereby required to separate high grade office paper, aluminum, corrugated paper and leaf waste and other material deemed appropriate generated at commercial, municipal or institutional establishments and from community activities and to store the material until collection. The Borough Council of the Borough of Minersville shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the requirements of this ordinance if those persons have otherwise provided for the recycling of materials they are required by this ordinance to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must, annually, apply for a permit to do so and pay a fee established pursuant to Resolution, and provide written documentation to the Borough of Minersville of the total number of tons recycled or estimated to be recycled.

4. At least once per month, the following separated materials are hereby required to be placed at the curbside or a similar location in Three (3) containers for collection by the Borough.

5. The Borough or its contractors shall collect recyclable materials from curbside or similar locations designated by Resolution at least once per month from each residence or other person generating municipal waste in the Borough of Minersville.

6. The Borough of Minersville shall solicit bids and award contracts for the sale of collected materials for recycling giving preferential consideration, for the collection, marketings and disposition of recyclable materials, to persons engaged in the business of recycling on the effective date of this ordinance, whether or not the persons were operating for profit.

SECTION 6: Public Notice.

The Borough of Minersville shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As a part of this program, the Borough of Minersville shall, at least 30 days prior to the initiation of the recycling program and at least once every six months thereafter, notify all persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this ordinance. The Borough Secretary, shall as he deems necessary and appropriate, place an advertisement in a newspaper circulating in the Borough, post a notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers or utilize any combination of the foregoing.

SECTION 7: Recycling by Operator.

An operator of a landfill or of a resource recovery facility may contract with this Borough to provide recycling services in lieu of the curbside recycling program as determined from time to time by Resolution of the Borough Council. The contract must ensure that at least 25% of the waste received is recycled provided that the economic and environmental impact of the proposed technology used for the recycling receives prior approval from the Department of Environmental Resources.

SECTION 8: Lead Acid Batteries.

1. Prohibited Disposal - No person may place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer 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.

2. Disposal by Dealers - No automotive battery retailer shall dispose of a used lead acid battery except by delivery to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth, or to the agent of a battery manufacturer or wholesaler for delivery to a secondary lead smelter permitted by the Environmental Protection Agency or collection or recycling facility authorized under the laws of this Commonwealth.

SECTION 9: Municipal Ownership of Recyclables.

Materials placed at curbside for collection under this ordinance will be considered the property of the Borough. Nothing contained in this ordinance may impair the ownership of recyclables by the person who generated them unless and until the recyclables are placed at the curbside or similar location for collection by the municipality or its agents. No person may collect recyclables unless they are authorized to do so by the municipality.

SECTION 10: Annual Report.

Each year, the Borough of Minersville shall submit a report to the County which shall describe the weight or volume of materials that were recycled by the municipal recycling program in the preceding calendar year.

SECTION 11: Criminal Penalties.

Any person, other than a municipal official exercising his official duties, who violates any provision of this ordinance, any resolution enacted hereunder, any order issued hereunder, or the terms or conditions of any contract awarded in the implementation of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000 and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days.

SECTION 12: Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

SECTION 13: Severability.

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 of Minersville that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 14: Effective Date.

This ordinance shall become effective on the 13th day of August, 1991.

William J. Angelo
President

ATTEST:

Eugene M. Volney
Secretary

Approved this 13th day of August, 1991.

Emil C. Rizzi
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Mayor