

**THE BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1991-3

AN ORDINANCE

**WHICH ESTABLISHES A RECYCLING AND SOURCE
SEPARATION PROGRAM AND PROVIDES PENALTIES FOR
VIOLATION THEREOF.**

The Borough Council of The Borough of East Prospect, York County, Pennsylvania, does hereby **ENACT** and **ORDAIN** as follows:

SECTION 1. FINDINGS OF FACT.

The Borough Council makes the following findings of fact.

A. The Commonwealth of Pennsylvania has enacted Act 101, of 1988, (The Municipal Waste Planning, Recycling and Waste Reduction Act).

B. Each municipality has the authority and duty to assure proper and adequate transportation, collection and disposal of municipal solid waste which is generated or present within its boundaries and to adopt and implement programs for the collection and recycling of source-separated, recyclable materials as provided in the Act.

C. The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of Pennsylvania Act 101, The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and the York County Solid Waste Management Plan. The separation and collection of used newspaper, high grade office paper, glass, plastics, cans and leaf waste for recycling from the residential, commercial and institutional establishments in this Borough will minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called for by the York County Solid Waste Management Plan, conserve natural resources and hopefully help control the escalating costs of solid waste disposal generally.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms and phrases of words shall have the meaning ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

A. "Borough" means The Borough of East Prospect.

B. "Collection Point" means the location where municipal waste, including recyclable materials is placed for collection; if the property fronts on a public street, it shall be the front curb line [or, if none, at the front property line]; where there is no street upon which the property fronts, collection shall be made at the property line at the public alley upon which it fronts; if the property has no frontage on a public street or alley, collection shall be made at a Collection Point approved by the Borough Council, contractor and the owner of the Collection Point.

C. "Person" means any individual, partnership, firm, corporation, association, institution, cooperative, enterprise, municipality, municipal authority, Federal government or agency, state institutions or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential dwelling, commercial establishment or institutional establishment. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination thereof, the term "Person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

D. "Recycling Bin" means the plastic container provided by East Prospect Borough, or its collector, for the express purpose of storing recyclable materials for collection by the Borough's collector.

E. "Residence" means any building, or part of a building, arranged or designed to be used, or in fact used, for continuous or periodic habitation by human beings in a single family unit.

SECTION 3. ESTABLISHMENT OF PROGRAM.

There is hereby established in The Borough of East Prospect a mandatory recycling and source separation and collection program for recyclable materials.

SECTION 4. SEPARATION AND DISPOSAL OF RECYCLABLE MATERIALS GENERATED AT RESIDENCES.

A. All Persons shall separate from other municipal waste generated at their Residences the following materials [which shall be known as 'Recyclable Materials From Residences']:

- i. Clear glass, limited to unbroken containers;
- ii. Colored glass, limited to unbroken containers;
- iii. Aluminum, including cans;
- iv. Bi-metallic and steel cans;
- v. Newsprint; and
- vi. Plastic containers, including, but not limited to, milk bottles, water bottles and laundry detergent bottles.

B. Recyclable Materials From Residences shall be prepared for collection by the Persons responsible for separation pursuant to A., as follows:

- discarded;
- i. The caps and lids from glass and plastic containers shall be removed and
 - ii. All containers shall be rinsed free of contaminants;
 - iii. All Recyclable Materials From Residences, except newsprint, shall be placed in Recycling Bins;
 - iv. No other municipal waste may be placed in a Recycling Bin;
 - v. Newsprint shall be tied with string in bundles not exceeding 20 pounds in weight, nor dimensions of 16" x 20" x 8", or placed in paper grocery bags.

- C. i. Recyclable Materials From Residences shall, except as provided in SECTION 13., be placed for collection at the Collection Point by the Persons responsible for separation pursuant to A.
- ii. Placement at the Collection Point shall not be earlier than 5:00 p.m., prevailing time, on the evening immediately preceding a scheduled collection day, or later than 6:00 a.m., prevailing time, on the scheduled collection day.

SECTION 5. SEPARATION AND DISPOSAL OF RECYCLABLE MATERIALS BY MULTI-FAMILY DWELLING PROPERTIES.

Instead of having each Residence within a multi-family rental housing properties use a separate Recycling Bin, the owner, landlord, or agent of an owner or landlord, may establish a centralized collection system for recyclable materials at each structure. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to occupants concerning the use and availability of the collection systems. Owners, landlords and agents who comply with this SECTION 5. shall not be liable for noncompliance of occupants of their properties.

SECTION 6. SEPARATION AND DISPOSAL OF RECYCLABLE MATERIALS BY COMMERCIAL, INSTITUTIONAL AND MUNICIPAL ESTABLISHMENTS.

A. All Persons occupying commercial, municipal and institutional establishments shall separate from other municipal waste generated at the establishments which they occupy the following materials [which shall be known as 'Recyclable Materials From Commercial, Municipal and Institutional Establishments']:

- i. Clear glass, limited to unbroken containers;
- ii. Colored glass, limited to unbroken containers;
- iii. Aluminum, including cans;
- iv. Bi-metallic and steel cans;
- v. High-grade office paper;
- vi. Newsprint; and
- vii. Plastic containers, including, but not limited to, milk bottles, water bottles and laundry detergent bottles.

B. Recyclable Materials From Commercial, Municipal and Institutional Establishments shall be prepared for collection by the Persons responsible for separation pursuant to A., as follows:

- i. The caps and lids from glass and plastic containers shall be removed and discarded;
- ii. All containers shall be rinsed free of contaminants;
- iii. All Recyclable Materials From Residences, except newsprint and high-grade office paper, shall be placed in Recycling Bins;
- iv. No other municipal waste may be placed in a Recycling Bin;
- v. Newsprint shall be tied with string in bundles not exceeding 20 pounds in weight, nor dimensions of 16" x 20" x 8", or placed in paper grocery bags.
- vi. High grade office paper shall be prepared as the Borough Council may from time to time by resolution decide and publicly announce.

C. i. Recyclable Materials From Commercial, Municipal and Institutional Establishments shall, except as provided in SECTION 13., be placed for collection at the Collection Point by the Persons responsible for separation pursuant to A.

ii. Placement at the Collection Point shall not be earlier than 5:00 p.m., prevailing time, on the evening immediately preceding a scheduled collection day, nor later than 6:00 a.m., prevailing time, on the scheduled collection day.

D. Those Persons subject to the requirements set forth in A. shall be exempt from the requirements of A. if they have otherwise provided for the recycling of the materials which they are required by this Section to recycle, provided they annually provide to the Borough, no later than January 15, 1992, and yearly thereafter, on a form provided by the Borough, evidence of such arrangement and documentation of the total number of tons of each of the recycled materials that were recycled during the previous calendar year.

SECTION 7. SEPARATION AND DISPOSAL OF LEAF WASTE.

All Persons shall separate leaf waste generated at their residences and at the commercial, municipal or institutional establishments which they occupy from other municipal waste store such material until collection. Such material shall be placed at such location for collection at such time(s) as the Borough Council may publicly announce from time to time.

This Section shall not prevent any Person from otherwise providing for the composting of leaf waste.

SECTION 8. COLLECTION SCHEDULE.

Municipal waste, including Recyclable Materials From Residences, Recyclable Materials From Commercial, Municipal and Institutional Establishments and leaf waste shall be collected with such frequency and on such schedule as Borough Council shall publicly announce from time to time.

SECTION 9. COLLECTION CONTRACT.

The Borough may enter into a collection contract with a collector for collection of all or part of recyclable materials from the Borough.

SECTION 10. COLLECTION BY UNAUTHORIZED PERSON.

No Person other than the Borough or its contracted collector shall collect or pick up or cause to be collected or picked up any Recyclable Material From Residences, or Recyclable Materials From Commercial, Municipal and Institutional Establishments that has been placed at the Collection Point. Each such collection or pickup in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION 11. OTHER PROHIBITED ACTS.

A. It shall be unlawful for:

i. Any Person to violate or to cause or to assist in the violation of any provision of this Ordinance or any provision of Pennsylvania Act 101 concerning recycling;

ii. Any Person to place or to cause to be placed any material other than those designated herein in a Recycling Bin;

iii. Any Person to hinder, to obstruct, to prevent or to interfere with the Borough or its contracted collector in the performance of any duty under this Ordinance or in the enforcement of this Ordinance;

iv. Any Person to cause or to allow their pets to cause Recyclable Materials From Residences, or Recyclable Materials From Commercial, Municipal and Industrial Establishments, to be scattered or spilled from Recycling Bins or bundles that have been placed for collection;

v. Theft of Borough Recycling Bins;

vi. Willful damage to and/or unauthorized use of Recycling Bins;

vii. Unauthorized collection of recyclables as provided in **SECTION 10**, of this Ordinance.

B. All unlawful conduct set forth in this **SECTION 11**, shall constitute a public nuisance.

SECTION 12. NON-COLLECTION OF SOLID WASTE CONTAMINATED BY DESIGNATED RECYCLABLES.

The Borough, or at the direction of the Borough, the designated collector collecting solid waste generated within the Borough may refuse to collect solid waste from any Person who has clearly failed to separate recyclables designated under an applicable Section of this Ordinance.

SECTION 13. OTHER MEANS OF RESIDENTIAL RECYCLING.

Notwithstanding anything herein to the contrary, any Person who is required to separate at the source any Recyclable Material From Residences, or Recyclable Materials From Commercial, Municipal and Institutional Establishments, may donate or sell any Recyclable Materials From Residences,, or Recyclable Materials From Camercial, Municipal and Institutional Establishments, to any other Person, provided however, that such materials shall not be placed at the Collection Point and that the Person receiving such material does recycle it and does not under any circumstances collect the donated or sold recyclable material from the Collection Point. The contents of Recycling Bins, bundles of newsprint and highgrade office paper and leaf waste which have been, timely placed, at the Collection Point are deemed to be containing recyclable materials intended for the Borough contracted collector.

SECTION 14. NON-INTERFERENCE WITH EXISTING CONTRACTS.

Nothing contained in this Ordinance shall be eenstrued to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Ccarumonwealth of Pennsylvania and in force in the Borough on the effective date of this Ordinance.

SECTION 15. RECYCLING BINS - LOSS OR DAMAGE.

The Persons responsible for separation pursuant to SECTION 4. and SECTION 6. shall replace any lost or damaged Recycling Bins.

SECTION 16. PENALTY FOR VIOLATION.

Any Person who fails to ccciply with any provision of this Ordinance shall, upon conviction, be. fined not less than Twenty-Five Dollars (\$25.00) or more than Six Hundred Dollars (\$600.00) and costs of prosecution, and in default of payment thereof shall be imprisoned not mare than. thirty (30) days. Each continuing day of violation of this Ordinance shall constitute a separate offense.

SECTION 17. SEVERABILITY.

The provisions of this Ordinance are severable. If any sentence, clause or Section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal *or* invalid provision(s) not been included herein,.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall become effective on. enactment.

ENACTED AND ORDAINED this 4th day of June, 1991.

ATTEST:

BOROUGH COUNCIL OF THE BOROUGH
OF EAST PROSPECT

SECRETARY

PRESIDENT

(SEAL)

APPROVED this 4th day of June, 1991.

MAYOR