

AN ORDINANCE IMPOSING A MANDATORY OBLIGATION ON ALL COMMERCIAL ENTITIES TO REPORT THEIR ANNUAL RECYCLING EFFORTS TO THE TOWNSHIP; APPOINTING A RECYCLING COORDINATOR; AND TO FIX PENALTIES FOR THE VIOLATION THEREOF.

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

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act ("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 and source separated recyclable materials. However, it is recognized and acknowledged that Pittston Township is not a "mandated community" under Act 101. Therefore the Township has no obligation to collect residential recyclable materials, commercial recyclable materials, or leaf waste at "curbside".

SECTION I - TITLE

The short title of this Ordinance shall be the "Pittston Township Recycling Program Ordinance".

SECTION II - DEFINITIONS

COMMERCIAL ENTITY - the owner, operator and/or possessor of a property located within the Township who uses the property primarily for business, commercial, institutional or industrial purposes, or the owner/operator of a property located within the Township upon which exists a multi-family dwelling. It may be an individual, a partnership, a limited liability company or a corporation.

INSTITUTIONAL USE - a property that it used as a hospital, school, day care center, nursing home, group home or for other similar-type purposes.

DWELLING - a building, structure or portion thereof used exclusively for residential purposes.

DWELLING UNIT - One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family.

FAMILY - One or more persons living in a single dwelling unit and functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. A family shall not include more than four (4) persons who are not related to each other.

RELATED - Persons who are related by blood, marriage, adoption or a formal foster

relationship which results in one of the following relationships: brother, sister, parent, child, foster child, foster parent, grandparent, great-grandparent, grandchild, great grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. The definition shall not include relationships such as second, third or fourth cousins, or any other relationship not specified in the following sentence.

MULTI-FAMILY DWELLING - a property located in the Township occupied by a building, structure, or portion thereof which contains three (3) or more dwelling units, including, but not limited to, a structure commonly known as an apartment building.

RECYCLABLE MATERIALS - cans, bottles and/or containers made of plastic, glass and/or aluminum, and paper, including newspaper.

RESIDENTIAL PROPERTY - any property located in the Township occupied by one (1) or two (2) dwelling units.

SECTION III - APPOINTMENT OF RECYCLING COORDINATOR

The Township Board of Supervisors shall appoint an individual to act as Recycling Coordinator. The Township Recycling Coordinator shall be responsible for developing and implementing a recycling program, including any reporting requirements under Act 101, within the Township in accordance with the provisions of this Ordinance and Act 101.

SECTION IV - RECYCLING OF MATERIAL

The Township does have a program which provides curbside collection of any recyclable materials. The Township does not have a drop-off site for recyclable materials generated by residents of residential property. Any person who fails to separate their recyclable materials and deposits such recyclable materials in bulk in a single bin shall be deemed in violation of this Ordinance and subject to the penalties set forth in Section VI below. Township may, at a later date, switch to single stream collection whereby the separation of materials would no longer be necessary.

The Township does not collect nor does it accept any recyclable material from any commercial entity. In addition, the Township does not accept any non-recyclable materials, garbage, grass clippings, leaf waste or other debris from any commercial entity.

SECTION V - COMMERCIAL ENTITY REPORTING

Commercial entities must prepare and submit a report to the Township Recycling Coordinator annually documenting all recycling activities they engaged in and/or performed during the year. The report must be prepared and submitted to the Township Recycling Coordinator no later than February 1 of each year, reporting on the recycling efforts of the prior year.

The Township Recycling Coordinator shall send blank recycling report forms for completion to all commercial entities prior to December 31 of each year. Along with the blank recycling report forms, the Township Recycling Coordinator shall include a letter notifying each commercial entity of its obligation to complete and submit the recycling report form to the Township by February 1 of the following year.

Any commercial entity who fails to submit a fully-completed recycling report to the Township Recycling Coordinator by the due date shall be deemed in violation of this Ordinance and subject to the penalties set forth in Section VI below.

SECTION VI - VIOLATION. PENALTY AND ENFORCEMENT

Any person or commercial entity determined to be in violation of any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300), plus the costs of prosecution and reasonable attorneys fees incurred by the Township in enforcing the Ordinance. In default of payment of such fine and/or costs, such person or commercial entity representative shall be subject to imprisonment for a period of not more than thirty (30) days. Each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense.

SECTION VII - ENFORCEMENT AND ADMINISTRATION

The Township is authorized and directed to enforce this Ordinance. The Township Recycling Coordinator is hereby authorized and directed to establish and promulgate any regulations necessary for the development and implementation of the Township's recycling program in accordance with the provisions of this Ordinance and Act 101. The Township may change, modify, repeal or amend any portion of said regulations and/or the recycling program at any time.

SECTION VIII - SEVERABILITY

If any section or part of this Ordinance is deemed unconstitutional or invalid for any reason, such determination shall not affect, impair, repeal or invalidate the remaining provisions of this Ordinance.

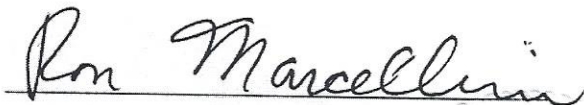
SECTION IX - REPEALER

Any and all prior Township Ordinances and/or Resolutions which are inconsistent with any of the provisions of this Ordinance are hereby deemed repealed.

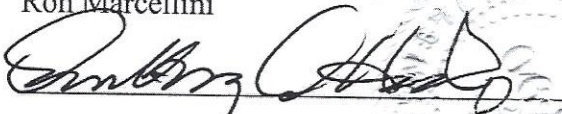
This Ordinance shall take effect immediately upon enactment by the Township Board of Supervisors.

ATTEST:

June 5, 2008



Ron Marcellini



Anthony Attardo

