

ORDINANCE NO. 4-01 of 2010

**ORDINANCE OF THE TOWNSHIP OF PITTSTON CREATING AND  
ADOPTING MANDATORY RESIDENTIAL RECYCLING REGULATIONS**

**WHEREAS**, the Township of Pittston desires to create and adopt a Mandatory Recycling Ordinance; and

**WHEREAS**, an effective Mandatory Recycling Ordinance is necessary for the proper and efficient functioning of the Township of Pittston.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Supervisors of the Township of Pittston in the County of Luzerne, Commonwealth of Pennsylvania, by the authority of the same that:

**ARTICLE I  
MANDATORY RECYCLING LAW**

1. Purpose
2. Definitions
3. Residential Recycling Requirements
4. Public Information
5. Disposal of Lead Batteries
6. Preparation of Recyclables for Collection
7. Municipal Ownership of Recyclables
8. Disposal of Recyclables with Municipal Waste Prohibited
9. Agreement for Collection of Recyclables
10. Violations and Penalties

**SECTION ONE  
PURPOSE**

It is the goal and purpose of this Article to effectuate the Township of Pittston's compliance with Pennsylvania's Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) by facilitating efficient disposal of solid waste generated within the Township of Pittston in the most economical, environmentally acceptable manner and also to reduce the total volume of solid waste disposed of by the Township of Pittston. This Article is also designed, in accordance with the Township of Pittston's police powers, to protect the health, welfare, and safety of the residents of the Township of Pittston.

**SECTION TWO  
DEFINITIONS**

For the purposes of this Article, the following words and phrases shall have the meanings given to them in this Section, unless the context clearly indicates otherwise.

**Corrugated Paper (Cardboard)**

Paper which has been shaped or wrinkled into parallel grooves and ridges, including, but not limited to, cardboard, wrapping, and packaging paper. Expressly excluded are any cardboard containers that are used to package food items that do not have any wrapping or packaging inside the cardboard container, such as a cardboard pizza box.

**Disposal**

The deposition, incineration, 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 into the waters of the Commonwealth of Pennsylvania.

**Family**

One or more persons occupying a dwelling unit and living together as a single non-profit household unit.

**Garbage**

Solid waste resulting from the preparation, cooking, handling, dealing, storing, sale, and consumption of all animal, plant and/or vegetable waste.

**Glass Containers**

Empty bottles and jars made of clear, brown, or green glass.

**High Density Polyethylene (HDPE) Plastic**

Plastic containers, including, but not limited to, juice, milk, spring water, syrup, liquid dish detergent, shampoo, conditioner, hand and moisturizing lotions, liquid laundry detergent, liquid bleach, fabric softener, household cleaning liquids, antifreeze, motor oil, and transmission fluid containers.

**High grade Office Paper**

Paper commonly utilized by fax machines, photo copiers, printers and typewriters

**Municipality**

This political subdivision of the Commonwealth of Pennsylvania.

**Newsprint**

Paper of the type commonly used for newspapers and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers, magazines and other similar publications.

**Owner**

Any person vested with ownership, legal or equitable, sale or partial, of any property located in the Township of Pittston's service area.

**Person**

Any individual or any other legal entity whatsoever who is recognized by law as the subject of rights and duties.

**Polyethylene Terephthalate (PET) Plastic**

Plastic containers, including, but not limited to, two (2) liter plastic bottles and peanut butter containers.

**Private Firm**

Any person or business organization who provides collection, transportation, and disposal services of solid waste and/or recyclable materials pursuant to a contract with the Township of Pittston

**Recyclable Materials**

Materials that must be separated from the remainder of solid waste in compliance with Section 1501 of Act 101. This term is further defined under Section Three of this article below.

**Refuse**

All matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless or which, by their presence or accumulation, may injuriously affect the health, comfort, and safety of the community; it shall include ashes, garbage, rubbish, and other refuse materials but shall exclude human body waste.

**Resident**

Any person who lives in a dwelling unit located within the boundaries of the Township of Pittston

**Dwelling**

Any building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses and/or dormitories.

**Dwelling Unit/Household**

A building, structure, or portion of a building or structure with one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Each separate living unit shall be classified as a separate dwelling unit/household (i.e., one structure containing four apartments is considered four individual dwelling units/households).

**Rubbish**

Glass, metal, paper, plant growth, wood, or non-putrescible solid waste.

**Aluminum, Steel and Bimetallic**

Empty cans, bottles and other containers made of aluminum, steel and/or other bimetallic material(s).

**Solid Waste**

Materials or substances discharged or rejected as being spent, useless, worthless, or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such waste is more commonly defined as "municipal waste" under rules and regulations promulgated by the Pennsylvania Department of Environmental Resources. The "waste" shall include, but is not limited to, ashes, garbage, rubbish, refuse, sludge, street cleaning, dead animals, offal, abandoned vehicles, and agricultural waste.

**SECTION THREE  
RESIDENTIAL RECYCLING REQUIREMENTS**

- A. In accordance with Section 1501 of Act 101, the following items are hereby declared as the designated recyclable materials:
- (1) Newsprint.
  - (2) Corrugated Paper (Cardboard).
  - (3) High grade Office Paper.
  - (4) PET Plastic.
  - (5) Aluminum, Steel and Bimetallic.
  - (6) HDPE Plastic.
  - (7) Glass.
- B. Each resident must establish within his/her dwelling unit/household a program for effective source separation of the aforementioned recyclable materials. Said recyclable materials must be kept separate from other solid waste and shall be disposed of as hereinafter set forth. Further, all of the designated recyclable materials must be stored in an area free from exposure to the elements and shall be properly secured so as to be safe from vermin.
- C. All recyclable materials shall become the property of the Township of Pittston when placed at curbside for collection.
- D. The Township of Pittston shall establish a schedule for collection of recyclable materials which conforms to the requirements of Section 1501 of Act 101. At least thirty (30) days prior to the initiation of the recycling program and at least once every six (6) months thereafter, public notice of said schedule of collection shall be made via either newspaper advertisements, posting at the Township Municipal Building and/or posting on the Township's official website.
- E. The Board of Supervisors of the Township of Pittston, by ordinance at any time, may fix or amend a recycling fee and specify the manner of collection of said fee. Said fee shall be assessed against each dwelling unit/household as defined under this Article.

**SECTION FOUR  
PUBLIC INFORMATION**

At least thirty (30) days prior to initiation of the residential recycling program mandated by this Ordinance and at least once every six (6) months thereafter, the Township shall provide public notice of the requirements of this Ordinance via either newspaper advertisements, posting at the Township Municipal Building and/or posting on the Township's official website.

**SECTION FIVE  
DISPOSAL OF LEAD BATTERIES**

Any resident wishing to dispose of a lead battery shall deliver the same to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the United States Environmental Protection Agency or to an authorized recycler. As required by Section 1501 of Act 101, no other form of disposal of lead batteries shall be lawful.

**SECTION SIX  
PREPARATION OF RECYCLABLES FOR COLLECTION**

- A. All residents of each dwelling unit/household must clean all designated recyclable materials of contents before placing the same at curbside for collection.
- B. Designated recyclable materials must be placed at curbside by a resident of each dwelling unit/household in accordance with the recycling collection schedule established by the Township.
- C. The following two (2) groups of designated recyclable materials may be comingled with other materials in the same group only:
  - 1. PET Plastic, steel and bimetallic, HDPE plastic and glass;
  - 2. Newsprint and corrugated paper (Cardboard).
- D. Compaction of plastic containers before disposal would be helpful in reducing the density of recyclables.
- E. Newsprint and corrugated paper (Cardboard) must be either tied with cotton cord or placed in a paper bag for collection at curbside by all residents of each dwelling unit/household on the day designated by the Township of Pittston.
- F. PET plastic, steel and bimetallic, HDPE plastic and glass must be placed in a curbside recycling container approved by the Township and placed curbside by all residents of each dwelling unit/household in accordance with the recycling schedule established by the Township.

**SECTION SEVEN  
MUNICIPAL OWNERSHIP OF RECYCLABLES**

Upon placement at curbside of any recyclable materials, as hereinbefore mentioned, all recyclables shall become the property of the Township of Pittston, whose responsibility it shall be to dispose of the recyclables in conformity with Act 101. No person or persons other than Pittston Township employees or the Township's duly authorized agents may collect and dispose of recyclables placed at curbside. Any violation of this Section shall be considered as criminal theft or scattering rubbish under the Pennsylvania Crimes Code, depending upon the severity of the violation, and may be prosecuted in accordance with existing law.

**SECTION EIGHT  
DISPOSAL OF RECYCLABLES WITH MUNICIPAL WASTE PROHIBITED**

- A. It shall be unlawful for any person to dispose of the materials designated herein as recyclables with other solid waste. It shall be unlawful for any person to dispose of the materials designated herein as solid waste with any recyclable materials. Pittston Township, its employees and its designated agents are hereby authorized to regularly inspect all solid waste and recyclable materials collected for violations of this Article.

- B. The Township of Pittston reserves the right to refuse to collect solid waste which contains unseparated recyclable materials in violation of this Article.
- C. The Township of Pittston reserves the right to refuse to collect recyclable materials which are commingled in violation of Section Six above, and/or to refuse to collect recyclable materials which are commingled with solid waste.

**SECTION NINE  
AGREEMENT FOR COLLECTION OF RECYCLABLES**

The Township of Pittston if it deems it appropriate may enter into an agreement with any private firm for the collection of recyclable materials pursuant to Section 1501 of Act 101.

**SECTION TEN  
VIOLATIONS AND PENALTIES**

Any person who violates any provision of this Article, except as hereinbefore stated In Article I, Section 7, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for a period of not more than thirty (30) days. Further, each day for which a violation occurs and each violation of any provision of this Article shall constitute a separate offense. Any and all residents of any dwelling unit/household determined to be in violation of this Ordinance may be prosecuted under this Section.

**ARTICLE II  
SECTION ONE  
PRIVATE FIRM REPORTING REQUIREMENTS**

Any private firm hired to collect, transport and dispose of any recyclable materials by the Township of Pittston shall report to the Township by January 31 following each contracted calendar year of service (or any portion thereof) the amount of tonnage of and recyclable materials collected, transported and disposed of during such period.

**SECTION TWO  
VIOLATIONS AND PENALTIES**

Any private firm who violates the requirements stated in Article II, Section 1 shall be subject to a Fifty Dollar (\$50.00) per day penalty for each day the required reporting requirements are not met.

**ARTICLE III  
SECTION ONE  
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.

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**SECTION SEVEN  
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- B. The Township of Pittston reserves the right to refuse to collect solid waste which contains unseparated recyclable materials in violation of this Article.
- C. The Township of Pittston reserves the right to refuse to collect recyclable materials which are commingled in violation of Section Six above, and/or to refuse to collect recyclable materials which are commingled with solid waste.

**SECTION NINE  
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**SECTION TEN  
VIOLATIONS AND PENALTIES**

Any person who violates any provision of this Article, except as hereinbefore stated In Article I, Section 7, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for a period of not more than thirty (30) days. Further, each day for which a violation occurs and each violation of any provision of this Article shall constitute a separate offense. Any and all residents of any dwelling unit/household determined to be in violation of this Ordinance may be prosecuted under this Section.

**ARTICLE II  
SECTION ONE  
PRIVATE FIRM REPORTING REQUIREMENTS**

Any private firm hired to collect, transport and dispose of any recyclable materials by the Township of Pittston shall report to the Township by January 31 following each contracted calendar year of service (or any portion thereof) the amount of tonnage of and recyclable materials collected, transported and disposed of during such period.

**SECTION TWO  
VIOLATIONS AND PENALTIES**

Any private firm who violates the requirements stated in Article II, Section 1 shall be subject to a Fifty Dollar (\$50.00) per day penalty for each day the required reporting requirements are not met.

**ARTICLE III  
SECTION ONE  
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.

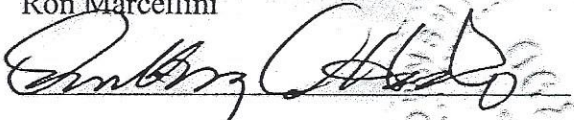
SECTION X - EFFECTIVE DATE

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

ATTEST: June 5, 2008



Ron Marcellini



Anthony Attardo



SECTION TWO  
REPEALER

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


SECTION THREE  
EFFECTIVE DATE

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

RESOLVED AND ENACTED, this 5<sup>th</sup> day of April, 2010.

ATTEST:

  
\_\_\_\_\_  
John Bonita

  
\_\_\_\_\_  
Ron Marcellini

  
\_\_\_\_\_  
Stephen Rinaldi

  
\_\_\_\_\_  
Joseph Adams