

BOROUGH OF CLARKS SUMMIT

LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE BOROUGH OF CLARKS MANDATING RECYCLING WITHIN THE BOROUGH CONFINES

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, is hereby enacted as follows:

A. Establishment of Program

§101. Short Title. The short title of this Part shall be the "Borough of Clarks Summit Recycling Ordinance" and the same may be cited in that manner.

§102. Definitions. As used in this Part:

ALUMINUM – products made from aluminum including empty all-aluminum beverage and food containers, window screen frames, siding and lawn chairs.

BI-METALLIC CANS – empty food and beverage containers consisting of ferrous sides and bottom and an aluminum top.

COMMERCIAL ESTABLISHMENTS – those properties used primarily for commercial or industrial purposes.

COMMUNITY ACTIVITIES - community-based cultural events bring people together in many ways that express their ideas, traditions and values. From age-old ceremonies of commitment such as weddings to contemporary, pride promoting, collaborative, neighborhood murals, and art addresses people's need for community.

CORRUGATED CARDBOARD – that material consisting of two (2) or more pieces of kraft liner separated by corrugated (fluted) liner board. Excluded are materials without a corrugated interliner, paperboard, and those materials with a corrugated liner from rice or other nonwood-based materials.

CURBSIDE COLLECTION – the collection by the Borough or its authorized agent(s) of recyclable materials placed at the curbside or other designated location.

FERROUS CANS – empty steel or tin food or beverage containers.

GLASS CONTAINERS – bottles and jars made of clear, green or brown glass. Expressly excluded are window glass, light bulbs and mirrors.

HIGH GRADE OFFICE PAPER – that paper collected from commercial, institutional and Borough establishments that was discarded from xerographic copiers, from non-thermal computer printers, from general office use forms, memos, and correspondence, and from print shops and other commercial printing processes. Expressly excluded are papers with self-carbons, carbon paper and books.

INSTITUTIONAL ESTABLISHMENT – those facilities that house or serve groups of people, e.g. hospitals, schools, nursing homes.

LEAF WASTE – leaves, garden residues, shrubbery, tree trimmings and similar material but not including grass clippings.

MAGAZINES AND PERIODICALS – printed mater containing miscellaneous written pieces published at fixed or varying intervals.

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.

PERSON(S) – owners, lessees, and occupants of residences or commercial or institutional establishments.

PLASTIC CONTAINERS – empty plastic food and beverage containers. Expressly excluded are toys, Styrofoam and ceramics.

PRIVATE WASTE COLLECTORS – persons engaged in the business of collecting and disposing of municipal waste from residences, businesses, institutions and community activities within the Borough of Clarks Summit.

RECYCLING PLAN – the plan, prepared by persons receiving waste services from private waste collectors, that describes the recycling system to be employed to meet requirements of the Borough's recycling ordinance.

RECYCLABLE MATERIALS – those materials specified by the Borough of Clarks Summit to be recycled. The list of materials shall be specified in the recycling regulations and may be revised from time to time as deemed necessary by the Borough.

RESIDENCE – any occupied single or multi-family dwelling from which municipal or private waste hauler collects solid waste.

SOLID WASTE – all refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler.

YARD WASTE – prunings, grass clipping, weeds, leaves and garden waste.

§103. Establishment of Program. There is hereby established by the Borough of Clarks Summit, hereinafter referred to as the municipality, and the program mandates that recyclable materials shall be kept separate from solid waste by all persons within the Borough. The Borough is hereby authorized to prepare and issue regulations for the implementation of the program.

§104. Deleted.

§105. Preparation of Source Separation and recycling plan for persons not receiving Borough waste collections services. There is hereby established the requirement that a source separation and recycling plan be submitted annually by each person not receiving municipal waste collection service provide by the Borough of Clarks Summit. The plan shall seek the assistance of their private waste collector in preparing the recycling plan.

§106. Separation of recyclable and placement for collection. Recyclable materials shall be kept separate from waste and placed at the curb, in areas dedicated by the Borough or identified in recycling plans, for collection at such times and dates as may be hereinafter established by regulation.

§107. Deleted.

§108. Enforcement and Administration. The Borough is authorized and directed to enforce this part. The same is hereby authorized and directed to establish and promulgate reasonable regulation as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this part. The borough may change, modify, repeal or amend any portion of said rules and regulations at any time.

§109. Violation and Penalty. Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Part, or any regulation thereof, shall be punishable by fine not to exceed twenty-five dollars (\$25.00) upon a first conviction and one hundred dollars (\$100.00) upon a second or subsequent conviction.

§110. Contracting. The Borough may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside or elsewhere as designated by the Borough.

§111. Alternative Collection of Recyclable Materials. Any person receiving waste collection service from the Borough of Clarks Summit may donate or sell recyclable materials to individuals or organization authorized by the Borough in its recycling regulations. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days for the Borough. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within twenty-four (24) hours) a regularly schedule curbside recycling collections day.

§112. Effective Date. This part shall take effect upon establishment of the recycling regulations.

B. Regulations

§121. Recycling Program. Regulations to implement the recycling program are authorized by §103 of the Borough of Clarks Summit Ordinance number 89-7 (Part 1A). The regulations address two (2) waste generation sectors as required by specified sections of Pennsylvania Act 101 of 1988; (1) Residential (1501(c)(i)(I)); (2) Commercial Municipal and Institutional Established and Community Activities (Section 1501(c)(iii)).

For each of the above sectors the following regulation declare; (1) materials to recycle; (2) proper preparation of materials for collection; (3) collection system; (4) reporting system; (a) "Annual Report to Lackawanna County" and (b) "Source Separation and Recycling Report for Multi-Family Residential, Commercial and Institutional Establishments and Community Activities" to be prepared by persons not receiving Borough waste collection service, to be submitted annually, by January 31st, to the Borough; (5) programs to insure compliance with this Part, including incentives and penalties; and (6) public information program.

1. Residential

- a. Act 101 requires municipalities to select at least three (3) materials plus leaf waste, from a list of eight (8) materials, for persons to separate from other municipal waste generated at their homes, apartments and other residential establishments. The eight (8) material listed by Act 101 are listed in the table below:

Paper – newspaper
High grade office paper
Corrugated Paper
Glass – clear
Colored
Metals – Aluminum
Bi-metallic
Plastics
Leaf Waster *

*leaf waste must be kept separate from municipal waste

Recyclable materials to be kept separate from waste by residents of the Borough of Clarks Summit are all of the above.

- b. Instructions for the proper preparation of materials for collection. Material must be property prepared for collection. Instructions will be forwarded to the property owners when changes in the preparation are created.
- c. Collection System
- i. Residential properties received Borough Waste Collection Service
1. East residential property in Clarks Summit receiving waste collection service from the Borough of Clarks Summit shall place property prepared materials for collection at the curb at the same time as their waste.

2. Leaf waste shall be placed at the curb line, but not in the gutter, where the Borough will pick it up during the period of mid-October to late November.
- ii. Residential properties receiving private waste collection service
 1. For those residential properties not receiving waste collection service from the Borough of Clarks Summit, the Borough shall be notified by the resident, landlord or property owner of the name of the private waste collector utilized.
 2. Owners or landlords of multi-family rental housing properties with four (4) or more units may comply with their responsibilities by establishing a collection system for recyclable at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collections system. Owners, landlords and agents of owners or landlords who comply with this regulation are not liable for the compliance of occupants of their building.
- d. Reporting system.
 - i. Recycling report to Lackawanna County. The Borough is required by Act 101 to prepare and submit reports on its recycling program. A recycling report must be submitted to Lackawanna County on or before February 15th of each year, for inclusion in waste management planning report to DEP, as required by Act 101, Section 304 (r). The report must contain specific information on the amount of material recycled during the previous year. This information will be collected by the Borough of residents receiving Borough curbside recycling services. Residences receiving private recycling services must submit a “source separation and recycling report for multi-family residential, commercial, institutional establishments and community activities”.
 - ii. “Source separation and recycling report for multi-family residential, commercial, institutional establishments and community activities”. Act 101 authorized the borough to exempt residences from receiving recycling services from the Borough provided that they submit reports on the residences not receiving recycling service from the Borough. Each residential establishment must file a “source separation and recycling report for multi-family residential, commercial, institutional establishments and community activities” with the Borough, annually by January 31st. The “source separation and recycling report for multi-family residential, commercial,

institutional establishments and community activities” shall be prepared on a form issued by the Borough.

- iii. Performance Grant Applications. The Borough recycling report prepared for Lackawanna County will be used by the Borough as the basis for reporting achievements in the recycling program to the Pennsylvania Department of Environmental Protections (DEP) for performance grant funding under section 904 of Act 101 of 1988.
- e. Provision in insure compliance with the Borough recycling ordinance, including incentives and penalties.
 - i. Compliance Program.
 1. The Borough must establish provision to insure compliance with its recycling ordinance, as required by Act 101, Section 1501(c) (4). The Borough’s compliance program for residential properties is similar for both those properties receiving waste collection service from the Borough and those receiving service from private waste collectors.
 2. Residents in the Borough are required to keep separate from waste recyclable items identified in §112(11)(a) of these regulations. Residents placing recyclables for collection at the curb are required to prepare materials according to specifications in §112(1)(b) of these regulations. The Borough will notify residents using Borough recycling services if material has been improperly prepared. As a condition of the contract to collect waste in the Borough each private waste collector is required to notify residential customer if waste or recyclables have been prepared improperly. This ordinance compliance program contain two (2) steps: notification and warning.
 - a. Notification. As the first step, a notice will be attached to the waste c container or recycling container indicated the reason(s) the container was not emptied or collected. The following reasons will apply
 - i. Recyclables placed in waste container
 - ii. Recyclables placed for collection on the wrong day, or at the wrong location
 - iii. Recyclables not prepared property
 - iv. Non-recyclables in the recycling container.

The notification form will contain a tear-off tag, which is to be removed by the collector, whichever is appropriate, completed and submitted within forty-eight (48) hours to the Borough Manager. Information required to be supplied on the tag consists of the following: address of

the residence and reason notification was left. The tag will also contain a space to write any comments regarding the incident.

- b. Warning. Repeated offenses will be tagged by the Borough waste collection crew or the private waste collector with a warning notification. This warning notification shall indicate why material was not collected, and that this has been a repeated violation of the Borough recycling ordinance. The tear-off tag of the warning notification shall be completed and submitted within forty-eight (48) hours to the Borough manager. The Borough, upon receipt of the warning notification, shall correspond with the property owner by registered mail. The correspondence shall repeat the reason for the warning notification; include a statement of the penalties found in the Borough recycling program notice and instruction sheet.

Warning notification shall be submitted to the borough for each violation of the ordinance. The Borough shall investigate repeated warning notifications and upon the advice of counsel initiate legal proceedings against the violator. Fees recovered shall be used to offset all costs to bring legal action with the balance placed into a fund to educate the public regarding the recycling program.

2. Incentives.

- a. Incentives to encourage recycling are a requirement of Act 101. The incentives in the Borough 's recycling program for the residential sector that are customers of the Borough waste services include providing household recycling containers to each residence. The containers are of a size suitable for holding several paper bags containing recyclables as well as newspaper. The container also provides a convenient means to carry recyclables to the curb for collection.
- b. The recycling program has the additional incentive of depressing the accelerating rise in the waste disposal costs. By removing materials from the waste stream, the Borough waste disposal bill is reduced.

3. Penalties. The Borough's recycling ordinance provides for penalties for violations of the ordinance

F. Public Information. Act 101 requires that the Borough establish a comprehensive and sustained public information and education program concerning the recycling features and activities. The Borough must notify persons occupying residential premises of the requirements of the Borough's recycling ordinance and these regulations. Such notification shall occur thirty (30) days prior to starting the program, and every six (6) months at a minimum, thereafter.

2. Commercial, municipal and Institutional Establishments and Community Activities. Act 101 requires that a source separation and recycling program be established for commercial, institutional, municipal facilities and for community activities.

a. Material to recycle. Act 101 specifies that high grade office paper, aluminum, corrugated paper and leaf waste and other material deemed appropriate by the Borough shall be kept separate from waste at commercial, municipal or institutional establishments and from community activities.

1. Private Waste Collection Service. Each commercial municipal and institutional establishment in the Borough receiving private waste collection service is advised to prepare a recycling plan using the "recycling Development Checklist" prepared by the Borough. Each firm is required to recycle these materials:

- a. High grade office paper
- b. Corrugated paper
- c. newspaper
- d. aluminum
- e. clear glass
- f. colored glass

b. Collection system. Establishments receiving private waste collection service, the waste collector can provide a recycling collection service directly or all materials, or provide an alternate collection service for a particular material. Material shall be collected as frequently as necessary to prevent storage problems and at the same time provide for economic service.

c. Reporting system. "Source separation and recycling report for multi-family residential, commercial, institutional establishments and community activities". Act 101 authorized the borough to exempt residences from receiving recycling services from the Borough provided that they submit reports on the residences not receiving recycling service from the Borough. Each residential establishment must file a "source separation and recycling report for multi-family residential, commercial, institutional establishments and community activities" with the Borough, annually by January 31st. The "source

separation and recycling report for multi-family residential, commercial, institutional establishments and community activities” shall be prepared on a form issued by the Borough.

d. Compliance, Incentives and Penalties

1. Incentives and penalties are necessary to insure that the source separation and recycling program succeeds. Recycling is seen as the meant to reduce service costs to customers of the borough waste service.

2. Incentives within each establishment to encourage separation of materials by personnel are also very important. A variety of incentives, such as direct rewards achieved from the sale of materials, extra hours or overtime for the house recycling service, promotions, etc., are available.

3. Penalties. The Borough recycling ordinance provides for penalties for violation of the part. Each firm and its private waste collector area considered liable for prosecution for violation of this part.

4. Public information.

a. Each commercial and institutional establishment and community activity in the Borough shall establish a public information program. Personnel in each establishment shall be informed of the requirements of the source separation recycling program, and their individual responsibilities. The firm shall be required to display information provided by the Borough regarding this program.

b. Appropriate notice shall be place near recyclable containers in each establishment to inform members of the public of the recycling program and the use of the container.

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.


EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

ADOPTION

ORDINANCE ORDAINED AND ENACTED this 11th day of July, 2012, by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, to be effective immediately.

BOROUGH OF CLARKS SUMMIT

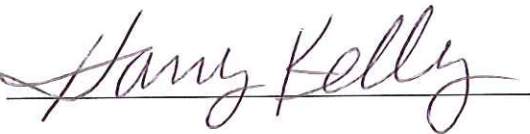
By: 

Council President

ATTEST: 

Borough Secretary

APPROVED this 12th day of September, 2012

By: 

Mayor