

PART B

Recycling

Section 201. Title. This ordinance shall be known as the State College "Recycling Ordinance" and the same may be cited in that manner. (Ordinance 1256, October 6, 1989, Section 1.)

Section 202. Public Policy. The Council of the Borough of State College, recognizing that the reclamation of recyclable materials has become an important method for addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources and a reduction in energy consumption, does hereby authorize the storage, collection, and transportation of recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act (No. 101), the Centre County Solid Waste Management Plan and this ordinance. This ordinance is intended to be an integral part of an overall system designed to facilitate recycling and foster the cooperation of the residents. (Ordinance 1256, October 6, 1989, Section 2.)

Section 203. Definitions. The following words and phrases, when used in this Ordinance, shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

Aluminum cans means empty all-aluminum beverage and food containers.

Authority means the Centre County Solid Waste Authority.

Bimetal containers mean empty beverage or food containers consisting of steel and aluminum.

Collector, for purposes of collecting and transporting recyclables, means the Borough of State College or its agent.

Commercial establishment means any premise engaged in retail trade or sale of goods. Expressly included are all restaurants and taverns, all industrial or manufacturing businesses and all types of offices.

Community activities mean church, school, civic, service group, municipal functions and all other such functions.

Corrugated paper means structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Curbside recycling collection means the scheduled collection and transportation of recyclable materials placed at the curb line or other area designated by the collector.

Drop-off sites means those specified locations, staffed or unstaffed, where recyclable materials may be taken at specified times.

Dwellings:

Multi-Family Housing Facility. A building or portion thereof containing more than 2 dwelling units and not classified as a 1- or 2-family dwelling.

1-Family Dwelling. A building containing 1 dwelling unit only.

2-Family Dwelling. A building containing 2 dwelling units only.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcement Officer means the official designated herein or otherwise charged with the responsibilities of administering this ordinance, or the official's authorized representative.

Glass containers means bottles and jars made of clear, green or amber glass. Expressly excluded are noncontainer glass, automobile glass, plate glass, blue glass, lead crystal and porcelain and ceramic products.

Grass clippings means blades or leaves of grass cut from cultivated lawns.

High Density Polyethylene (HDPE) containers means plastic bottles and jars made exclusively from high-density polyethylene, such as milk and water jugs.

High-grade office paper means all white paper, bond paper, and computer paper used in commercial, institutional and municipal establishments.

Humus means leaf wastes and grass clippings composted by the Borough for use as a soil conditioner by residents.

Institutional establishment means those facilities that house or serve groups of people such as hospitals, schools and universities, day care centers and nursing homes.

Lead acid batteries shall include, but not be limited to, automotive, truck and industrial batteries that contain lead.

Leaf waste means leaves from trees, bushes and other plants.

Magazines means printed matter printed on slick or glossy paper containing contaminants not found in newsprint.

Multi-family (multiple) housing facilities. See "Dwellings."

Municipal waste means any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities. Also included is any sludge not meeting the definition of 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 establishments means public facilities operated by the Borough of State College and other governmental and quasi-governmental authorities.

Newspapers means 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. Expressly excluded are glossy advertising inserts often included with newspapers as well as newspapers which have been soiled.

Occupant means any person (including domestic service employees) living and/or sleeping in a dwelling unit.

Person means any individual, partnership, municipal waste hauler, scrap dealer, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. 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.

Polyethylene Terephthalate (PET) containers means plastic soda bottles or other containers composed of the polymer PET.

Recyclable materials mean any used material having an economic value in the secondary materials market. This term includes but is not limited to the following materials: aluminum cans and articles, bimetal cans, glass containers, corrugated paper, magazines, computer printout paper, computer tab cards, high-grade office paper, steel cans, newspaper, paper products not chemically coated, plastic polyethylene terephthalate (PET) bottles, plastic high density polyethylene (HDPE) containers and other materials designated by the Centre County Solid Waste Authority as having value. The term also includes grass clippings and leaves.

Refuse means garbage, ashes, rubbish, riff-raff, commercial refuse, industrial refuse, dead animals and building waste.

Steel cans means empty all-steel food and beverage containers.

(Ordinance 1256, October 6, 1989, Section 3, as amended by Ordinance 1375, June 22, 1992, Section 1.)

Section 204. General Provisions. Those recyclable materials separated under the provisions of this Ordinance shall not be considered municipal waste and shall not be subject to provisions of those ordinances which require disposal of municipal waste at designated facilities. This exemption applies to recyclable materials collected by the Borough or its agent.

The Borough or its agent, as the collector of recycling materials, shall be exempt from all provisions of ordinances which require disposal of municipal waste by licensed haulers. Recyclables separated, stored, collected or delivered in any manner other than that approved by the Borough or the Centre County Solid Waste Authority for materials intended for the Authority's intermediate processing plant, shall be considered municipal waste and be subject to the provisions of the appropriate ordinance.

(Ordinance 1256, October 6, 1989, Section 4, as amended by Ordinance 1375, June 22, 1992, Section 2.)

Section 205. Establishment of the Program. The Council of the Borough hereby establishes a mandatory program for the separation of recyclable materials from municipal waste by all persons within the Borough. In doing so, the Borough officially becomes a participant in the Centre County Solid Waste Authority's Recycling Program, for which the Authority is the implementing agency.

The recycling program is mandatory and occupants are responsible for the separation of recyclable materials from solid waste and the preparation and placement of recyclables at curbside. Recyclable materials may also be delivered to established drop-off sites.

Following implementation of the residential curbside collection and drop-off facility programs within the Borough, the recycling program will be expanded to include multi-family housing facilities as well as commercial, institutional and municipal establishments and community activities. Immediately following program initiation, all affected persons will be governed by the provisions of this ordinance.

(Ordinance 1256, October 6, 1989, Section 5, as amended by Ordinance 1375, June 22, 1992, Section 3.)

Section 206. Lead Acid Batteries. No person shall 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. (Ordinance 1256, October 6, 1989, Section 6.)

Section 207. Separation and Disposal of Leaf Waste and Grass Clippings.

a. Leaf Waste. Leaf waste shall be recycled and may not be placed for regular refuse collection. All persons who reside in 1- and 2-family dwellings and all persons who are responsible for the administration of multi-family housing properties, commercial, municipal and institutional establishments, who gather leaves, shall separate all leaf waste from other waste and place it for collection at the times and in the manner theretofore or hereafter prescribed by the Borough. Nothing herein shall require any person to gather leaf waste or prevent any Borough resident or occupant from utilizing leaf waste for compost, gardening or other similar purposes.

b. Grass Clippings. Grass clippings shall be recycled and may not be placed for regular refuse collection. All persons responsible for grass cutting are encouraged to recycle the clippings on the lawn as mulch. All grass clippings not left on the lawn or privately composted shall be deposited in Borough-designated grass recycling drop-off locations. No branches, tree, brush or hedge trimmings or other non-grass materials are permitted at the drop-off locations. Grass recycling drop-off locations are exclusively for the use of Borough residents and businesses for grass originating in the Borough. Persons seeking to deposit grass clippings at the recycling drop-off locations may be required to prove residency.

c. Leaf and Grass Humus (Compost). The Borough may choose to provide humus from recycled grass and leaves at the grass recycling drop-off locations. Humus at the grass recycling drop-off locations is for Borough residents only. Persons seeking to remove humus may be required to prove residency.

(Ordinance 1256, October 6, 1989, Section 7, as amended by Ordinance 1375, June 22, 1992, Section 4.)

Section 208. Collection by Unauthorized Persons. It is understood that any recyclables located at the curb line, in drop-off sites or in storage bins associated with commercial, municipal, institutional or multi-family housing establishments, are the property of the Borough or its agent.

It shall be a violation of this Ordinance for any person(s) to collect or remove, or cause to be collected or removed, any such recyclable materials specified in this ordinance or the Centre County Solid Waste Authority's rules and regulations, unless authorized by the Borough. Each such collection in violation hereof shall constitute a separate and distinct offense, punishable as outlined in Section 212 of this Chapter.

(Ordinance 1256, October 6, 1989, Section 8, as amended by Ordinance 1375, June 22, 1992, Section 5.)

Section 209. Enforcement and Administration. The Borough Manager or his/her designee shall enforce and administer the provisions of this ordinance. (Ordinance 1256, October 6, 1989, Section 9, as amended by Ordinance 1375, June 22, 1992, Section 6.)

Section 210. Collection Agreement. The Borough may, from time to time, enter into an Agreement(s) with the Centre County Solid Waste Authority for the Authority to provide for the collection of all or part of the recyclable materials from curbside, drop-off or other designated locations. (Ordinance 1256, October 6, 1989, Section 10, as amended by Ordinance 1375, June 22, 1992, Section 7.)

Section 211. Alternative Disposition of Recyclable Materials. Any person may donate or sell recyclable materials to individuals or organizations. Otherwise, such materials are to be placed at curbside, in drop-off facilities or storage bins or similar authorized locations for collection by the Borough or its agent. (Ordinance 1256, October 6, 1989, Section 11, as amended by Ordinance 1375, June 22, 1992, Section 8.)

Section 212. Penalties.

a. Upon the discovery of any nonparticipation or violation of the terms of this Ordinance or of Regulations governing the collection of recyclables, the Borough or its agent shall give notice to the owner or occupant (or either of them as the case may be) of a violation hereunder, either by personal delivery to such owner or occupant, by United States mail directed to the last known address of such person or persons, as shown in the real estate registry records of the municipality, or by leaving the same on the premises where such violation occurs.

If such person shall, within 7 days after the delivery, mailing or leaving of such notice, pay to the Finance Department of the Borough the sum of \$50.00 for the violation, the same will constitute full satisfaction for the violation in said notice. Exception: The penalty for leaving recycling containers at the curb after the day of collection shall be \$10.00.

The failure of such person to make payment, as aforesaid, within 7 days, shall render such person subject to the penalties, as provided in Section 212.b of this Chapter.

Nothing contained in this Section shall affect, in any way, the provisions of this

ordinance regarding separate offenses for every day any violation occurs.

b. Fines for Non-participation or Non-payment. On neglect or refusal of the occupant of any dwelling serviced by curbside recycling collection, a multifamily housing program, or a commercial, municipal, or institutional program to separate recyclable materials from municipal solid waste and place them at curbside or sites established by the Borough, or pay the penalty or penalties specified in Section 212.a of this Chapter, that person shall, upon conviction of such default, neglect or refusal, pay a fine of not less than \$100.00 nor more than \$600.00 together with the costs of prosecution, to be collected as now provided by law. Each violation shall constitute a separate offense.

c. Unauthorized Collection. If any unauthorized person, firm, corporation or other entity, collects or removes or causes to be collected or removed any recyclable materials in violation of the provisions of this ordinance, such person, firm, corporation or other entity shall, upon conviction by a District Justice in a summary proceeding, be subject to a fine of not less than \$100.00 and not more than \$600.00, together with the costs of prosecution. Upon judgment against any such Defendant by summary conviction, on default of the payment of the fine or penalty imposed and the costs, such Defendant may be sentenced and committed to the County Jail for a period not exceeding 30 days. Each day of a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a District Magistrate, and subject to the penalty imposed by this Section for each and every day such violation shall continue.

d. Pilfering of Collection Containers. If any person is responsible for pilfering of collection containers issued to a residence slated for either curbside collection or any other phase of the Recycling Program, such person shall, upon conviction by a District Magistrate in a summary proceeding be subject to a fine of not less than \$100.00 nor more than \$300.00, together with the costs of prosecution. Upon judgment against any such defendant by summary conviction, on default of the payment of the fine or penalty imposed and the costs, such Defendant may be sentenced and committed to the County Jail for a period not exceeding 30 days. Each day of a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a District Magistrate, and subject to the penalty imposed by this Section for each and every day such violation shall continue. The affected resident will be responsible for replacing any missing container through purchase from the Centre County Solid Waste Authority.

e. Illegal Deposits at Grass Recycling Drop-off Locations. Any person depositing materials at or removing humus from the grass recycling drop-off locations in violation of this ordinance shall, upon conviction by a District Justice in a summary proceeding, be subject to a fine of not less than \$25.00 nor more than \$600.00, together with the costs of prosecution. Upon judgment against any such defendant by summary conviction on default of the payment of the fine or penalty imposed and costs, such defendant may be sentenced to the County Jail for a period not exceeding 30 days.

(Ordinance 1256, October 6, 1989, Sections 12, 12-1, 12-2, 12-3, and 12-4,⁶⁰ as amended by

Ordinance 1296, November 20, 1990, Ordinance 1375, June 22, 1992, Section 12, Ordinance 1642, December 11, 2000, Section 2, and by Ordinance 1889, December 17, 2007, Section 5.)