

CITY OF SHAMOKIN
AMENDED ORDINANCE NO. 339
E-1 (Recycling)

BE IT ORDAINED THAT THE FOLLOWING SECTIONS OF CHAPTER 76A OF THE CODE OF THE CITY OF SHAMOKIN BE AMENDED TO READ AS FOLLOWS:

SECTION 76A-2. Definitions is amended to read as follows:

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

ALUMINUM CANS shall mean empty all-aluminum beverage and food containers.

APPLICANT means a person desirous of being licensed as a “Collector.”

BIMETAL CONTAINERS shall mean empty food or beverage containers consisting of steel and aluminum.

COLLECTOR, HAULER means a person licensed by the Municipality to collect, transport, and dispose of municipal waste.

COMMERCIAL ESTABLISHMENTS shall mean those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than four dwelling units.

COMMUNITY ACTIVITIES shall mean church, school, civic, service group, municipal functions, and all other such functions.

CORRUGATED PAPER shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DISPOSAL means the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the municipal waste, or a constituent of municipal waste, enters the environment is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

DISPOSAL AREA means any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.

FERROUS CONTAINERS shall mean empty steel or tin-coated steel food or beverage containers.

GARBAGE refers to all putrescible animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food.

GLASS CONTAINERS are all products made from silica or sand, soda ash, and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass, excluding blue and flat glass, and glass commonly known as window glass, automotive glass, and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER shall mean all white paper, bond paper, and computer paper used in commercial, institutional, and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT means any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

LEAD ACID BATTERIES shall include, but not be limited to, automotive, truck, and industrial batteries that contain lead.

LEAF WASTE shall mean leaves from trees, bushes, and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

MAGAZINES AND PERIODICALS shall mean printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

MULTI-FAMILY HOUSING PROPERTIES shall mean any properties having four (4) or more dwelling units per structure.

MUNICIPAL ESTABLISHMENTS shall mean public facilities operated by Shamokin and other governmental and quasi-governmental authorities.

MUNICIPALITY shall mean the city of Shamokin, Northumberland County, Pennsylvania.

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, except from farm-produced manure, other agricultural waste and food processing soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

NEWSPAPER is the term used herein and deemed to include paper of the type commonly referred to as “newsprint” and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals, as well as all other paper products of any nature, are not considered “newspaper”.

PERSON means any individual, owners, lessees and occupants of a residence, commercial or institutional establishment, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

PLASTIC CONTAINERS shall mean empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

PROCESSING means any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

RECYCLABLE MATERIALS shall mean those materials separated at the point of origin for the purpose of being recycled, including those materials listed in Act 101 and by the Municipality to be recycled.

REFUSE means garbage, rubbish, and trade waste.

RESIDENTIAL DWELLING shall mean any occupied single or multi-family dwelling having up to four (4) dwelling units per structure for which the Municipality provides municipal waste collection service.

STORAGE means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.

TRANSPORTATION means the off-site removal of any municipal waste at any time after generation.

SECTION 76A-5. Licensing; Fees is amended by adding D(10):

10. Each licensee shall provide recycling services to every customer in accordance with the regulations for the recycling program.

SECTION 76A-9. Resource Recovery Program is amended to read as follows:

A. Establishment of Program:

There is hereby established a program for the mandatory separation of recyclable materials from solid waste by all persons.

B. Separation of Recyclables and Placement for Disposal by Persons Residing in Single-Family Dwellings or Multi-Family Dwellings Having Four (4) Dwelling Units Per Structure:

Recyclable materials from residential dwellings shall be placed at the curb or other designated place, separate from solid waste, for collection or taken to drop-off sites at such times, dates, and places as may be herein established by regulation and/or mandated by Pennsylvania Act 101 of 1988. Materials to be recycled are selected by the Municipality in the recycling program regulation and/or as mandated by Pennsylvania Act 101 of 1988, from the following: clear glass, colored glass, steel and bimetallic cans, office paper, newsprint, corrugated paper, plastic.

C. Separation of Recyclables by commercial, Municipal and Institutional Establishments, and at Community Activities:

Commercial, municipal, and institutional establishments shall separate and store, until collection, high-grade office paper, corrugated paper, aluminum, and other materials designated by the Municipal regulations. These establishments must arrange for the transfer of the materials to a recycling system. The establishments shall annually provide to the Municipality evidence of such arrangement, and documentation of the total number of tons recycled.

Recyclable materials designated by the Municipality must be separated until collection at all community activities. Sponsoring organizations must arrange for the transfer of the materials to the recycling system.

D. Separation of Recyclables by Multi-Family Housing Properties and Placement for Disposal:

The owner, landlord, or an agent of an owner or landlord of multi-family housing properties of four (4) or more units shall establish a collection system for recyclables at each property. Materials to be separated are selected by the Municipality in the recycling program regulations from the following: clear glass, colored glass, aluminum cans, steel and bimetallic cans, paper newsprint, corrugated paper, or plastic. The collection system must contain 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 collection system. Owners, landlords, and agents of owners or landlords shall not be liable for noncompliance of the occupants of their buildings.

E. Lead Acid Batteries:

No person may 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.

F. Separation and disposal of Leaf Waste:

All persons who reside in residential dwellings and all persons who are responsible for administration of multi-family housing properties, commercial, municipal and institutional establishments who gather leaves shall source separate all leaf waste from other waste and place it for collection at the times and in the manner therefore or hereafter prescribed by the Municipality. Nothing herein shall require any person to gather leaves for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscape purpose.

G. Collection by Unauthorized Person (s):

It shall be a violation of this Ordinance for any person(s), unauthorized by the Municipality, to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation here of shall constitute a separate and distinct offense punishable as hereinafter provided.

H. Alternative collection of Recyclable Materials:

Any person may donate or sell recyclable materials to individuals or organizations. These materials must be delivered to the individuals or organizations 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 by the Municipality). Said individuals or organizations may not collect recyclable materials on or immediately preceding (by 24 hours) a regularly scheduled curbside collection day.

I. Delivery of Recyclable Materials to Landfills or Incinerators:

It shall be a violation of this Ordinance for the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal unless the markets for such materials no longer exist. The authorized collector will provide to the Municipality the weight receipts of the recyclable materials.

J. Franchise or License:

The Municipality may enter in agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable material from curbside or from drop-off collection points.

SECTION 76A – 10 REPORTING

A. Every multi-family housing property, commercial, municipal, institutional establishment and community activity sponsor shall complete a form to be designated “RECYCLING REPORT”, to be provided to the municipality, which shall indicate where the property’s recyclable materials were delivered. Such report shall set forth

the name and address of the owner, landlord or agent, the address of the property to which the report pertains, name and address of the Collector or Hauler who regularly services the property, information on the type and amount of each material recycled (pertains to community activity sponsors), along with such other information as may be required by Resolution of the City of Shamokin Council.

- B. The “RECYCLING REPORT” and all weigh slips obtained from the facility or facilities to which the recyclable materials were delivered shall be submitted annually to the municipality. For the purpose of submitting such weigh slips and Recycling Report annually to the municipality, the Collector or Hauler who removed the recyclable materials from the property shall be the agent for any person occupying a multi-family dwelling unit. Any landlord and any operator of a commercial, municipal and institutional establishment or the sponsor of any community activity shall be responsible for completing and submitting such report to the municipality. Each annual “RECYCLING REPORT” shall be submitted on or before the last day of the month of January for the preceding year. The Recycling Report Year shall run on a calendar year basis, thus: first day of January to the last day of December.
- C. Any person required by this Section to complete and submit a “RECYCLING REPORT”, along with weigh slips, and who fails to do so, shall be guilty of a violation of this Ordinance.

SECTION 76A – 11 VIOLATION AND PENALTY:

Prosecution under this Ordinance shall be instituted by any City Official, and shall be filed in the name of the City of Shamokin, Northumberland County, Pennsylvania. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than ONE HUNDRED (\$100.00) DOLLARS and not to exceed ONE THOUSAND (\$1,000.00) DOLLARS and costs of prosecution, or, in the default of payment of such fine and costs, to undergo imprisonment of not more than thirty (30) days. Provided: Each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. In addition, the municipality shall have the right to pursue injunctive relief to prevent violations of this ordinance.

SECTION 76A – 12 SEVERABILITY:

In the event any of the provisions of this Ordinance are declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall continue in full force and effect as though the unconstitutional, unlawful, or unenforceable provision has never been a part hereof.

PASSED this 11th day of June 2007.

Attest:

CITY OF SHAMOKIN:

DAVID BOHANICK
CITY CLERK

RONALD BRADLEY
MAYOR