

Borough of Franklin Park, PA
Monday, October 22, 2012

Chapter 171. SOLID WASTE

[**HISTORY:** Adopted by the Borough Council of the Borough of Franklin Park as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 89.
Fire prevention — See Ch. 122.
Parks and recreation — See Ch. 146.
Property maintenance — See Ch. 159.
Sewers — See Ch. 166.
Zoning — See Ch. 212.

Article II. Recycling

[Adopted 9-11-1991 by Ord. No. 377-91 (Ch. 162 of the 1986 Code)]

§ 171-5. Title.

The title of this article shall be the "Borough of Franklin Park Recycling Ordinance," and the same may be cited in that manner.

§ 171-6. Definitions.

The following words and phrases used throughout this article shall have the following meanings:

ACT 101

The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988. *Editor's Note: See 53 P.S. § 4000.101 et seq.*

ALUMINUM

All empty aluminum beverage or food cans.

BIMETAL CONTAINERS

Empty food or beverage containers consisting of steel and aluminum.

COLLECTOR

The entity or entities authorized by the Borough of Franklin Park to collect recyclable materials from residences or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Borough of Franklin Park to collect recyclable materials from those properties.

COMMERCIAL ESTABLISHMENTS

Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

COMMUNITY ACTIVITIES

Events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

CORRUGATED PAPER

Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

FERROUS CONTAINERS

Empty steel or tinted food or beverage containers.

GLASS CONTAINERS

Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER

All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT

Those facilities that house or serve groups of people, including but not limited to hospitals, nursing homes, orphanages, day-care centers, schools and universities.

LEAD ACID BATTERIES

Include but are not limited to automotive, truck and industrial batteries that contain lead.

LEAF WASTE

Leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

MULTIFAMILY HOUSING PROPERTIES

Any property having four or more dwelling units per structure.

MUNICIPAL ESTABLISHMENT

Facilities operated by the Borough of Franklin Park and other governmental and quasi-governmental authorities.

MUNICIPAL WASTE

Any garbage, refuse, industrial, lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act *Editor's Note: See 35 P.S. § 6018.101 et seq.* from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

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 materials of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with newspapers.

PERSON(S)

Owners, lessees and occupants of residences and commercial, municipal and institutional establishments.

PLASTIC CONTAINERS

Empty plastic food and beverage containers. Polyethylene terephthalate (PET), used for pop bottles, and high-density polyethylene (HDPE), used for milk jugs, may be recycled.

RECYCLABLE MATERIALS

Materials generated by residences and commercial, municipal and institutional establishments which are specified by the Borough of Franklin Park and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products and may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, leaf waste, plastics, foil and/or food containers of other types which may be recycled, as required by the borough, and if the materials can be marketed by an amendment to this article, together with any other items selected by the borough or specified in future revisions to Act 101.

RECYCLING

The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials.

RESIDENCES

Any occupied single-family or multifamily dwellings having up to four dwelling units per structure for which the Borough of Franklin Park provides municipal waste collection service.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Those materials separated at the point of origin for the purpose of being recycled.

WASTE

A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials or materials approved by the Pennsylvania Department of Environmental Protection for beneficial use.

§ 171-7. Establishment of program; grant of power.

- A. The Borough of Franklin Park, Allegheny County, Pennsylvania, hereby establishes a recycling program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Borough of Franklin Park for which waste collection is provided by the Borough of Franklin Park or any other collector. Collection of the recyclable materials shall be made at least once per month by the Borough of Franklin Park, its independent contractor or any other solid waste collectors operating in the Borough of Franklin Park and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The recycling program shall also contain a sustained public information and education program.
- B. Specific program regulations are provided as an attachment to this article. *Editor's Note: See Attachment A: Recycling Rules and Regulations, included at the end of this chapter.* The Borough Council of the Borough of Franklin Park is empowered to make changes to program regulations as necessary as hereinafter described. Subsequent changes in the program regulations may be made through the approval of the Borough Council of the Borough of Franklin Park and public notice and notification to all affected parties.

§ 171-8. Separation and collection.

- A. Residential.

- (1) All persons who are residents of the Borough of Franklin Park shall separate all of those recyclable materials designated by the borough from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection and shall place the same for collection in accordance with the guidelines established hereto.
 - (a) Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the borough for collection. Any containers provided to residents for collection of recyclable materials shall be the property of the borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the borough shall be responsible for returning the allocated container(s) to the borough or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this article.
 - (b) An owner, landlord or agent of an owner or landlord of a multifamily rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system for each property. The collection system must include suitable containers for collecting and sorting the recyclable 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 who comply with this article shall not be liable for noncompliance of occupants of their buildings.
 - (2) If recyclable materials are collected by a collector other than the Borough of Franklin Park or its independent contractor, owners, landlords and agents of owners or landlords shall submit an annual report to the Borough of Franklin Park reporting the tonnage of materials recycled during the previous year on or before the date specified in the regulations.
- B. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste. If leaf waste is not composted on site, it shall be placed in an approved biodegradable paper bag or container and placed at the curb where such bag shall be collected by the Borough of Franklin Park once a week as set forth in the regulations.
- C. Commercial, municipal and institutional establishments.
- (1) Persons must separate high-grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Borough of Franklin Park generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from the provisions of this subsection upon submission of documentation to the Borough of Franklin Park annually indicating that the designated recyclable materials are being recycled in an appropriate manner.
 - (2) If recyclable materials are collected by a collector other than the Borough of Franklin Park or its designated independent contractor, occupants of said establishments shall submit an annual report to the Borough of Franklin Park reporting the tonnage of materials recycled during the previous year on or before the date specified in the regulations.

§ 171-9. Ownership.

All recyclable materials placed by persons for collection by the Borough of Franklin Park or its independent contractor or to the authorized collector pursuant to this article shall, from the time of placement at the curb, become the property of the Borough of Franklin Park or its independent contractor or other authorized collector, except as otherwise provided by § 171-8 of this article. Nothing in this article shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

§ 171-10. Collection by unauthorized persons.

It shall be a violation of this article for any person, firm or corporation, other than the Borough of Franklin Park or one authorized by the Borough of Franklin Park or to the entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Borough of Franklin Park or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 171-11. Existing operations.

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from the Borough of Franklin Park or other entity responsible for authorizing collection of recyclable materials to make such a collection.

§ 171-12. Prohibited acts.

[Amended 6-24-1992 by Ord. No. 386-92] Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this article. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials in landfills or to be burned in incinerators is prohibited.

§ 171-13. Enforcement and administration; violations and penalties.

- A. The Borough Manager is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this article, as deemed necessary, including but not limited to:
- (1) Establishing recyclable materials to be separated for collection and recycling by residences and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
 - (2) Establishing collection procedures for recyclable materials.
 - (3) Establishing reporting procedures for amounts of materials recycled.
 - (4) Establishing procedures for distribution, monitoring and collection of recyclable containers.
 - (5) Establishing procedures and rules and regulations for the collection of leaf waste.
- B. Any person, firm or corporation who shall violate any of the provisions of this article shall receive an official written warning of noncompliance for the first and second offenses. Thereafter all such violations shall be subject to the penalties hereinafter set forth.

C. Except as hereinafter provided, any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than \$25 nor more than \$1,000, and costs of prosecution for each and every offense.

D. The Borough of Franklin Park reserves the right not to collect municipal waste containing recyclable materials in combination with nonrecyclable materials.

§ 171-14. Collection agreements.

The Borough of Franklin Park may enter into an agreement or agreements with public agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

§ 171-15. Modifications.

[Amended 6-24-1992 by Ord. No. 386-92] The Borough Council of the Borough of Franklin Park may, from time to time, modify, add to or remove from the standards and regulations herein.

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171 Attachment 1

Borough of Franklin Park

Attachment A: Recycling Rules and Regulations

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Section I. All definitions as set forth in Ordinance No. 377-91 (Chapter 171, Article II, Recycling) shall apply to the following rules and regulations.

Section II. Residential recycling program.

- A. The following items shall be separated from other household wastes and processed for recycling by all residents in the manner prescribed:
- (1) Aluminum and bimetal beverage cans: Cans should be rinsed and drained.
 - (2) Ferrous metal food cans: Cans should be rinsed and drained.
 - (3) Clear and colored glass containers: remove and discard all lids and metal rings; rinse and drain.
 - (4) PETE, HDPE, No. 1 and No. 2 plastic containers: remove and discard all lids and rings; rinse and drain.
- B. Collection procedures shall be as follows:
- (1) Each existing dwelling unit shall be provided with one recycling container.
 - (2) Persons building new homes shall purchase a recycling container from the borough at the time of procurement of a building permit.
 - (3) After properly processing recyclables, each family shall commingle its recyclables in the provided container.

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- (4) Recyclable materials collected in the provided containers shall be placed at the curb for collection on the same day as the regular garbage collection. Rear yard collection of recyclables can be arranged directly with the contracted hauler.
 - (5) Recyclables will be collected every other week commencing during the week of October 7, 1991, and continuing every other week thereafter. Any changes to this schedule would require approval of the borough and proper advance notice by the contractor.
- C. Amendments to this section may be made from time to time, based on marketability of recyclable products.

Section III. Commercial recycling program.

- A. All commercial entities within the Borough of Franklin Park shall be required to recycle the following items:
- (1) High-grade office paper;
 - (2) Aluminum and bimetal beverage cans; and
 - (3) Corrugated paper.
- B. Reporting responsibilities. Any commercial establishment that is not using the franchised hauler of the borough must submit an annual report to the Borough Manager on or before February 15, 1991. This report will be for the prior year and shall contain the following:
- (1) The name of the hauler collecting the recyclables;
 - (2) The description of methods being used to recycle the specified products, i.e., destination and recycled use; and
 - (3) Quantities of materials being recycled.

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Section IV. Enforcement.

It shall be the duty of the Borough Manager or an appointed subordinate to enforce the implementation of the recycling plan as described in Ordinance No. 377-91 (Chapter 171, Article II, Recycling) of the Code of Borough of Franklin Park in the following manner:

- A. Periodically make random inspections of discarded refuse to determine if residents are complying with borough ordinances.
- B. Prosecute through the District Justice's office any repeated offenders of Ordinance No. 377-91 (Chapter 171, Article II, Recycling), as provided for in said chapter.
- C. Encourage participation in this recycling program, as well as any other voluntary programs that may be established by the borough.