

ARTICLE II

Recycling

[Adopted 7-9-2013 by Ord. No. 355²]**§ 180-18. Title.**

The short title of this article shall be "Loyalsock Township Resource Recovery Ordinance," and the same may be cited in that manner.

§ 180-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

APPLICANT — A person desiring to be authorized as a collector of source-separated recycled materials.

BIMETAL CONTAINERS — Empty food or beverage containers consisting of steel and aluminum.

COMMERCIAL ESTABLISHMENT — Those properties used primarily for commercial or industrial purposes, excluding those multiple-dwelling residential buildings containing four or more dwelling units.

COMMUNITY ACTIVITIES — Church, school, civic, service group, and municipal functions and all other such functions.

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

FERROUS CONTAINERS — Empty steel or tin-coated steel food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, 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, such as hospitals, schools, day-care centers and nursing homes.

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

LEAF WASTE — Leaves from trees.

LICENSED RECYCLING COLLECTOR — A person authorized to collect source-separated recyclable materials from residential, commercial, institutional and municipal establishments and multifamily housing properties in the Township of Loyalsock.

2. Editor's Note: This ordinance superseded former Art. II, Recycling, adopted 3-13-1990 by Ord. No. 221, as amended.

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

MULTIFAMILY HOUSING PROPERTIES — Properties having four or more dwelling units per structure.

MULTI-STREAM RECYCLING COLLECTION — Collection of source-separated recyclable materials which are separated by the generator into more than one collection container and which are set out for collection in more than one container.

MUNICIPAL ESTABLISHMENTS — Public facilities operated by Loyalsock Township and other governmental and quasi-governmental authorities.

MUNICIPALITY — Loyalsock Township, Lycoming County, Pennsylvania.

MUNICIPAL RECYCLING PROGRAM — A source separation and collection program for recycling municipal waste or source-separated recyclable materials, or a program for designated dropoff points or collection centers for recycling municipal waste or source-separated recyclable materials, that is operated by, or on behalf of, a municipality. The term includes any source separation and collection program for composting yard waste that is operated by, or on behalf of, a municipality. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

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.

PERSONS — Owners, lessees and occupants of residences or commercial or institutional establishments.

PLASTIC CONTAINERS — 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 regulated.

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 other than a fuel for the operation of energy.

RESIDENTIAL DWELLINGS — Any occupied single-family or multifamily dwelling having up to, and including, three dwelling units per structure for which the municipality provides municipal waste collection service.

SINGLE-STREAM RECYCLING COLLECTION — Collection of source-separated recyclable materials which are placed in a single container and set out for collection in that single container.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

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 material approved by the Department for beneficial use.

§ 180-20. Establishment of municipal recycling program.

- A. There is hereby established a municipal recycling program for the mandatory separation of recyclable materials from solid waste by persons residing in single dwellings or multifamily dwellings having up to, and including, three dwelling units per structure.
- B. The Loyalsock Township Department of Streets shall be responsible for scheduling a day at least once a month for collection of recyclable material. The authority to establish and modify this schedule and the responsibility for communicating it to the residents of the Township, along with the authority to make regulations pursuant to this article, shall be with the Department of Streets of the Township of Loyalsock.

§ 180-21. Separation of recyclables; placement for disposal from residential dwellings.

- A. Recyclable materials from residential dwellings shall be placed at the curb or other designated place separate from solid waste for collection or taken to dropoff sites at such times, dates and places and in such manner as may be established by regulation of the Department of Streets. Materials required to be recycled under multi-stream recycling collection are: clear glass, brown glass, green glass and aluminum beverage containers, or other recyclable materials as designated by the municipality under its regulations. Materials required to be recycled under single-stream recycling collection are: aluminum beverage containers, plastic containers, newsprint and all other materials identified by the licensed/registered hauler servicing the address in its application for license/registration with the Township.
- B. The recyclable material separated for multi-stream recyclables collection shall be placed in containers which may be provided by the municipality and, if so provided, said containers shall be and remain the property of the municipality and remain with the residence regardless of owner or tenant. Any misuse or destruction of said containers shall subject the person responsible to a penalty as hereinafter set forth.
- C. Should the containers become lost or unusable, they must be replaced by notifying the Township of Loyalsock Department of Streets. The Township is authorized to charge a replacement fee in accordance with rules and regulations of the Township of Loyalsock.
- D. ~~Recyclable materials to be collected by private licensed/registered haulers shall be placed in covered containers provided by the private licensed/registered hauler.~~

§ 180-22. Separation by commercial, municipal and institutional establishments and at community activities.

- A. Commercial, municipal and institutional establishments shall separate and store, until collection, high-grade office paper, corrugated paper and aluminum, leaf waste, and other source-separated recyclable materials which they may elect to recycle. These establishments must arrange for the transfer of the materials at least once a month to a recycling system by a collector licensed (for the purpose of collecting source-separated recyclable materials) by the Township.
- B. The licensed recycling collector shall annually provide to the Township of Loyalsock evidence of each such arrangement and documentation of the total number of tons recycled by providing invoices showing the materials collected from the establishments (or properties) that were marketed.
- C. At all community activities, recyclable materials designed by the Township must be separated until collection. Sponsoring organizations must arrange for the transfer of the materials to a recycling system.
- D. Commercial, municipal and institutional establishments and coordinators of community activities who comply with this article shall not be liable for the noncompliance of their tenants where a portion of the building is leased to tenants and/or for the noncompliance by the general public where there is public access to the building or grounds or in other public areas.

§ 180-23. Separation by multifamily housing properties; placement for disposal.

- A. The owner, landlord or an agent of an owner or landlord of multifamily housing properties of four or more units shall establish a collection system for recyclables at each property. Materials required to be separated for multi-stream recyclables collection are clear glass, colored glass and aluminum cans, or other recyclable materials as designated by the municipality under its regulations. Materials required to be recycled under single-stream recycling collection are: aluminum beverage containers, plastic containers, newsprint, and all other materials identified by the licensed/registered hauler servicing the address in its application for license/registration with the Township. 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 collection system.
- B. These landlords or owners must arrange for the collection of the recyclable materials by a licensed recycler at least once a month.
- C. Owners, landlords and agents of owners or landlords who comply with this article shall not be liable for the noncompliance of occupants of their buildings.

§ 180-24. Lead acid batteries.

No person may place a used lead acid battery in mixed municipal solid waste or 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.

§ 180-25. Separation and disposal of leaves.

All persons who reside in residential dwellings and all persons who are responsible for administration of multifamily housing properties and commercial, municipal and institutional establishments who gather leaves shall source-separate all leaves from other waste and place them for collection at the times and in the manner prescribed by the Township. Leaves are not to be incorporated into the regular waste stream. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural or silvicultural gardening or landscape purposes.

§ 180-26. Licensing of collectors.

The Township of Loyalsock shall authorize, by issuance of a license, such haulers to collect and market source-separated recyclable materials from multifamily dwellings and commercial and institutional establishments within the municipality. All applications for licensing shall be reviewed by the Township and shall be approved in accordance with the following criteria:

- A. No person, other than such persons as are duly authorized by the Township, shall collect, transport and/or market source-separated recyclable materials within or from the Township. Authorization shall be given only by the Department of Streets of the Township of Loyalsock, or its designee, in accordance with regulations established by said Department.
- B. Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this article and the rules and regulations established by the Township.
- C. At the time of application submission, the applicant shall indicate that he/she has the appropriate type of closed or covered truck with which to collect source-separated recyclable materials and shall provide evidence that he/she carries sufficient liability insurance on the vehicle.
- D. Licenses shall be issued on a fiscal year basis and renewed annually, but may be revoked at any time by the Township of Loyalsock for just cause in accordance with the rules and regulations of the Township of Loyalsock and/or the Department of Environmental Protection.
- E. Fees for such licenses shall be paid by the applicant to the Township of Loyalsock, and said fees shall be on the basis of cost and covered in the rules and regulations of the Township of Loyalsock.
- F. Nothing herein shall prohibit an individual from taking his or her source-separated recyclable materials directly to a designated dropoff site or to market in accordance with this article.

- G. Licensed haulers of recyclable materials shall, as a condition of the license, annually provide to the Township documentation of the total number of tons of that were recycled, or delivered to materials-recovery facilities for recycling, by providing invoices or scale tickets showing the materials collected from sources within the Township that were marketed or delivered to materials-recovery facilities for recycling.

§ 180-27. Collection of recyclable materials by unauthorized persons.

- A. Ownership of any recyclable materials is retained by the owners, lessees and occupants of residences or commercial or institutional establishments until the materials are placed at curbside or a similar location for collection. Thereafter, once the materials are placed at curbside or a similar location, they become the property of the municipality or its contract collector.
- B. It shall be a violation of this article for any persons unauthorized by the Township to collect or pick up or cause to be picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 180-28. Delivery of recyclable materials to landfills or incinerators.

- A. All recyclable materials must be delivered by the authorized collector to sites for recycling.
- B. It shall be a violation of this article for any person or the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal, unless the market for such materials no longer exists. The authorized collector will provide to the Township the weight receipts of the recyclable materials collected and marketed.

§ 180-29. Right to contract for services.

Nothing herein is intended to or shall prohibit the Township of Loyalsock (which has the responsibility for municipal waste planning, recycling and waste reduction under the Act of July 1988, No. 101) from entering into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from residential dwellings at curbside or from dropoff collection points.

§ 180-30. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not less than \$100 nor more than \$1,000 and/or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.