

ARTICLE 952 - Recycling

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CROSS REFERENCES:

Municipal Waste Planning, Recycling and Waste Reduction - see 53 P.S. Sec. 4000.101 et. seq.

952.01 TITLE.

The short title of this article shall be the City of New Castle Recycling Ordinance, and the same may be cited in that manner. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.02 DEFINITIONS.

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

(a) "Act 101" means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(b) "Aluminum" means all empty aluminum beverage or food cans. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(c) "Bi-metal Containers" means empty food or beverage containers consisting of steel and aluminum. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(d) "Collector" means the entity or entities authorized by the Municipality to collect recyclable materials from residences, or authorized by commercial, municipal or institutional establishments that do not receive collection services from the Municipality to collect recyclable materials from those properties. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(e) "Commercial Establishments" means those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than four dwelling units. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(f) "Community Activities" means 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. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(g) "Corrugated Paper" means structural paper material with an inner core shaped in rigid parallel furrows and ridges. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(h) "Ferrous Containers" means empty steel or tin coated food or beverage containers. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(i) "Glass" means bottles and jars made of clear, green or brown glass. Included are noncontainer glass, plate glass, automobile glass, light bulbs, blue glass and porcelain and ceramic products. (Ord. 8299. Passed 7-11-2019.)

(j) "High Grade Office Paper" means all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(k) "Institutional Establishments" means those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(l) "Lead Acid Batteries" includes but is not limited to automotive, truck and industrial batteries that contain lead. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(m) "Leaf Waste" means leaves from trees, bushes and other plants, garden residues, chopped shrubbery and tree trimmings, but not including grass clippings. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(n) "Magazines and Periodicals" means printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever. ((Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(o) "Multi-family Housing Properties" means any properties having four or more dwelling units per structure. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(p) "Municipal Establishment" means public facilities operated by the Municipality and other governmental and quasi-governmental authorities. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(q) "Municipal Waste" means any garbage, refuse, industrial lunchroom or other material, including soil, liquid, semisolid or contained gaseous material, resulting from 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 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. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(r) "Municipality" means the City of New Castle. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(s) "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 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. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(t) "Persons(s)" means owners, lessees, and occupants of residences and commercial, municipal and institutional establishments. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(u) "Plastic Containers" means empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Municipality may stipulate specific types of plastic which may be recycled. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(v) "Recyclable Materials" means materials generated by residences and commercial, municipal and institutional establishments which are specified by the Municipality and can be separated from municipal waste and return to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, aluminum, steel and bi-metallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics and any other items selected by the Municipality or specified in future revisions of Act 101. The recyclable materials selected by the Municipality as acceptable for recycling may be revised from time to time via Resolution as deemed necessary by the Municipality. Disposal by person in recycling containers of materials not designated as recyclable by the Municipality is prohibited and shall be a violation of this Article. (Ord. 8299. Passed 7-11-2019.)

(w) "Recycling" means the collection, separation, recovery and sale or reuse of metals, paper, leaf waste, plastics and other materials which would otherwise be disposed 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. (Ord. 8299. Passed 7-11-2019.)

(x) "Residences" means any occupied single or multi-family dwellings having up to four dwelling units per structure for which the Municipality provides municipal waste collection service.(Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(y) "Source Separated Recyclable Materials" means those materials separated at the point of origin for the purpose of being recycled. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(z) "Waste" means a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The terms does not include source separated recyclable materials or material provided by the Pennsylvania Department of Environmental Resources for beneficial use. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.03 ESTABLISHMENT OF PROGRAM; GRANT OF POWER.

The Municipality hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation, collection and composing of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Municipality for which waste collection is provided by the Municipality or any other collector. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

Collection of the recyclable materials shall be made at least once per month by the Municipality, its designated agent, or any other solid waste collectors operating in the Municipality 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. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

Specific program regulations are provided as an attachment to this article. Council is empowered to make changes to program regulations as necessary, as described in Section 952.09. Subsequent changes in the program regulations may be made through approval of Council and public notice and notification of all affected parties. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

This article is ordained pursuant to Third Class City Code. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.04 LEAD ACID BATTERIES.

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this article. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.05 SEPARATION AND COLLECTION.

(a) All persons who are residents of the Municipality shall separate all of those recyclable materials designated by the Municipality from all other municipal waste produced in their homes, apartments and other residential establishments, store such materials for collection in accordance with the guidelines established hereunder. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(1) Persons in residences shall separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in recycling containers. Any containers provided to residences by the Municipality for collection of recyclable materials shall be the property of the Municipality and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Municipality shall be responsible for returning the allocated container(s) to the Municipality or shall pay the replacement cost of such 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 containers(s) shall be a violation of this article. (Ord. 7022. Passed 9-13-90.) (Ord. 8299. Passed 7-11-2019.)

(2) An owner, landlord or agent of an owner or landlord of a multi-family rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system shall 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 the owners or landlords who comply with this article shall not be liable for noncompliance of occupants of their buildings. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

If recyclable materials are collected by a collector other than the Municipality or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Municipality reporting the tonnage of materials recycled during the previous year. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(b) All persons shall 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. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(c) Persons shall separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Municipality generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. In the case of leaf waste, a person is permitted to have arrangements for other environmentally sound processing. A person may be exempted from this subsection if that person submits documentation to the Municipality annually indicating that the designated recyclable materials are being recycled in an appropriate manner. (Ord. 7022. Passed 9-13-90.) (Ord. 8299. Passed 7-11-2019.)

If recyclable materials are collected by a collector other than the Municipality or its authorized agent, occupants of such establishments shall submit an annual report to the Municipality reporting the tonnage of materials recycled during the previous year. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.06 OWNERSHIP OF RECYCLABLE MATERIALS.

All recyclable materials placed by persons for collection by the Municipality or authorized collector pursuant to this article shall, from time of placement at the curb, become the property of the Municipality or the authorized collector, except as otherwise by stated by Section 952.07. 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. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.07 EXISTING RECYCLING 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 Council or other entity responsible for authorizing collection of recyclable materials to make such a collection. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.08 RECYCLING OF MATERIALS.

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 unless markets do not exist and the collectors or operators have notified the Director of Code Enforcement in writing. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.09 ENFORCEMENT AND ADMINISTRATION.

The Director of Code Enforcement 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: (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(a) 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; (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(b) Establishing collection procedures for recyclable materials; (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(c) Establishing reporting procedures for amounts of materials recycled; (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

(d) Establishing procedures for the distribution, monitoring and collection of recyclable containers; and (Ord. 7010. Passed 3-08-90.)

(e) Establishing procedures and rules for the collection of leaf waste. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

The Municipality reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.10 FRANCHISE OR LICENSE.

The Municipality may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.11. SURCHARGE

There shall be a surcharge of seventy-five cents (\$.75) per meter user per month imposed on all metered water users of residential property within the City of New Castle, which surcharge is intended to cover costs resulting from the recycling program within the City. The surcharge provided for in this Section will be billed monthly by the New Castle Sanitation Authority. (Ord. 8203. Passed 11-22-2016) (Ord. 8299. Passed 7-11-2019.)

952.12 REPEAL AND SEVERABILITY.

All ordinances or parts of ordinances inconsistent with this article are hereby repealed to the extent of such inconsistency. Should any part of this article be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this article. It is hereby declared that such parts as are legal would have been enacted independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Municipality that such remainder shall be and remain in full force and effect. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.13 MODIFICATION.

The Municipality may, from time to time, modify, add to or remove from standards and regulations herein and as authorized in Section 952.09. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

952.14 EFFECTIVE DATE.

This article shall take effect on September 26, 1990, as mandated by the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act. (Ord. 7022. Passed 9-13-90.) (Ord. 8299. Passed 7-11-2019.)

952.99 PENALTY.

Any person, firm or corporation who shall violate the provisions of this article shall receive an official written warning of non-compliance for the first and second offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)

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 one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution for each and every offense. (Ord. 7010. Passed 3-08-90.) (Ord. 8299. Passed 7-11-2019.)