

Chapter 64: RECYCLING

[HISTORY: Adopted by the Board of Supervisors of the Township of Hempfield 8-13-1990 as Ord. No. 90-9. (This ordinance also provided that it shall take effect 9-24-1990.) Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. 52.
Solid waste — See Ch. 70.

§ 64-1. Title.

This chapter shall be known as the "Hempfield Township **Recycling** Ordinance."

§ 64-2. Definitions.

The following terms, whenever used in this chapter, shall have the meanings indicated in this section, except where the context indicates a different meaning.

GLASS CONTAINERS — All containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various food and beverage matter in jars, bottles and like containers, being clear glass or glass colored green or brown. This specifically excludes blue glass, flat glass, crystal, drinking glasses and glass commonly known as "window glass."

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings. **[Added 8-14-1995 by Ord. No. 95-13]**

METAL CANS — All containers made from steel, bimetal or aluminum, the product being used for packaging or storing various food and beverage matter.

NEWSPAPER *Editor's Note: The former definition of "newspaper" was repealed 12-27-1990 by Ord. No. 90-20.* — All paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, containing news, advertisements and other matters of public interest, including magazines, periodicals and other like materials. **[Added 8-14-1995 by Ord. No. 95-13]**

PLASTIC — All containers and carriers made from plastics, the product being used for packaging, storing and transporting various food and beverage material. **[Added 8-14-1995 by Ord. No. 95-13]**

RECYCLABLE MATERIALS — Those materials having an economic value in the secondary materials market and as designated for collection in Hempfield Township by the Board of Supervisors. **[Amended 12-27-1990 by Ord. No. 90-20; 8-14-1995 by Ord. No. 95-13]**

RECYCLING CONTAINER — A separate and identifiable container, bin, bag, marker, tag or other identifying feature for the containment of recyclable materials. **[Amended 12-27-1990 by Ord. No. 90-20]**

SOLID WASTE — Garbage, refuse and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. This shall specifically exclude leaf waste and any hazardous materials.

§ 64-2.1. Designation of recyclables. **[Added 8-14-1995 by Ord. No. 95-13]**

The Board of Supervisors of Hempfield Township shall, from time to time, by duly adopted resolution, designate those articles and items which shall be considered recyclable materials to be included for collection and **recycling** in compliance with the provisions of Act 101 of 1988. *Editor's Note: See 53 P.S. § 400D-101 et seq.* The contents of said resolution shall be made known to the general public by the posting of the same at the Hempfield Township Municipal Building and in such other manner or fashion as the Board of Supervisors may hereafter determine.

§ 64-3. Collection system for residential properties. **[Amended 12-27-1990 by Ord. No. 90-20]**

- A. The authorized collector of recyclable materials under the terms of this chapter and under the terms of any contract awarded thereunder shall provide to each residential customer within the Township of Hempfield an identifying bin, bag, marker, tie or other identification material to specifically designate the **recycling** container to be utilized solely for

the accumulation of residential recyclable materials. **[Amended 4-15-1991 by Ord. No. 91-6]**

- B. For any residential dwellings or structures housing more than four families, including but not limited to townhouses, garden apartments and high-rise apartments, the owner, landlord or an agent for the owner or landlord shall provide a collection system for recyclable materials at each such property. 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. Owners, landlords and agents of owners or landlords who comply with the provisions of this section shall not be liable for the noncompliance of occupants of their buildings.

§ 64-4. Collection system for nonresidential properties.

- A. The owner and/or occupant of any business, industrial, institutional or governmental establishment within the Township of Hempfield shall provide a collection system for recyclable materials at the sole expense of said owner or occupant. In addition, such establishments shall establish a collection system for high-grade office paper, aluminum, leaf waste and corrugated cardboard to be recycled.
- B. The owner and/or occupant of any business, industrial, institutional or governmental establishment within the Township of Hempfield may be exempted from the requirements of this chapter if said owner or occupant has otherwise provided for recycling of the materials set forth in Subsection A hereof. To qualify for and maintain such exemptions, said owner or occupant must provide annual written documentation to the Board of Supervisors, on a form to be provided by Hempfield Township, of the total number of tons of each material recycled.

§ 64-5. Separation, establishment of standards; placement of materials; ownership.

- A. The owner and/or occupant of all residential and nonresidential properties with the Township of Hempfield shall keep recyclable materials separate from other solid waste.
- B. The Township of Hempfield or its subcontractors may, from time to time, establish standards governing the preparation and/or treatment of recyclable materials by the owner and/or occupant prior to collection thereof.
- C. The owner and/or occupant of all properties shall place the recycling container at the curbside or other designated location for collection on such dates and at such intervals as may be designated from time to time by the Township of Hempfield. **[Amended 10-22-1990 by Ord. No. 90-14]**
- D. Ownership of recyclable materials set out for collection pursuant to the terms hereof shall thereupon vest in the Township of Hempfield, its agents or subcontractors.

§ 64-6. Regulation of authorized collectors.

- A. All recyclable materials within the Township of Hempfield shall be collected by an authorized collector as hereinafter provided.
- B. The collection of recyclable materials shall be done only by the person, firm or corporation to whom or to which a contract therefor shall be awarded. Such contract shall be awarded, from time to time, to the lowest responsible bidder, following the procedures set forth herein.
- C. The Board of Supervisors of Hempfield Township shall, from year to year or from contracting period to contracting period, by resolution, set specifications for the collection of recyclable materials which shall apply to each prospective bidder for contract collection within the Township of Hempfield.
- D. The Board of Supervisors of Hempfield Township shall request bids for collection of recyclable materials for a period of time to be fixed by said resolution. All bid notices, awards and conditions shall be in compliance with all applicable state laws.
- E. Before any contract shall be entered into for the collection of recyclable materials, the person to whom such contract is awarded shall furnish a bond payable to the Board of Supervisors of Hempfield Township in a sum of no less than 50% of the annual contract amount. The collector shall, during the continuance of the contract, truly abide by, comply with and perform all the terms and provisions of the contract, this chapter and such other rules and regulations as may be adopted from time to time.
- F. The authorized collector shall assume full responsibility for the removal and ultimate disposition of all recyclable

materials from the Township of Hempfield when such recyclables are placed in proper containers and in the proper location as set forth in this chapter.

- G. Compensation of the authorized collector for the removal of recyclable materials shall be set pursuant to the contract to be awarded under this section and shall be billed by the authorized collector directly to the residents of the Township of Hempfield serviced thereby.
- H. With regard to the collection of recyclable materials from nonresidential customers who elect to seek exemption from the township **recycling** program under the provisions of § 64-4B of this chapter, it shall be illegal for any person or entity to gather and/or collect such recyclable materials from said customers without obtaining a license from the Township of Hempfield to be issued under the terms of this subsection. **[Added 4-15-1991 by Ord. No. 91-6]**
 - (1) The fee for such license shall be \$100 per annum per applicant, and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
 - (2) Each licensee shall, throughout the term of such license, advise the Township of Hempfield as to the location and identity of customers; the type and quantity of recyclable materials removed from each such customer; and the place and method of disposal.

§ 64-7. Violations and penalties.

- A. It shall be unlawful for any person or other entity to collect, remove or dispose of solid waste which contains recyclable materials combined with other forms of solid waste.
- B. It shall be unlawful for any person not authorized by the Township of Hempfield to collect or pick up or cause to be collected or picked up any recyclable materials placed at curbside or other designated collection location.
- C. It shall be unlawful for any person or other entity to remove, transfer or destroy any **recycling** container owned by Hempfield Township from the residential structure, dwelling or unit to which it has been assigned pursuant to the terms of this chapter.
- D. Any owner and/or occupant of property within the Township of Hempfield who shall fail and refuse to comply with the provisions of this Mandatory **Recycling** Ordinance or who shall allow solid waste to accumulate upon said property shall be in violation of this chapter and of the Hempfield Township Solid Waste Ordinance, Chapter 70 of the Code of the Township of Hempfield.
- E. Any person or entity who shall violate the provisions of § 64-7A, C or D of this chapter shall, upon conviction thereof by the District Justice in a summary criminal proceeding, be punishable as follows: **[Amended 4-8-1996 by Ord. No. 96-4; 6-9-1997 by Ord. No. 97-9]**
 - (1) For a first conviction by a fine of \$25.
 - (2) For a second conviction within one year, by a fine of \$100.
 - (3) For a third conviction within one year, by a fine of \$200.
 - (4) For any fourth or subsequent conviction within one year, by a fine of not less than \$500 nor more than \$1,000.
- F. Any person or entity who shall violate the provisions of § 64-7B of this chapter shall, upon conviction thereof by a District Justice in a summary criminal proceeding, be punishable by a fine of not less than \$500 nor more than \$1,000. **[Amended 4-8-1996 by Ord. No. 96-4; 6-9-1997 by Ord. No. 97-9]**
- G. In addition to the fines set forth herein, any person or entity convicted under the provisions hereof shall be subject to the payment of all court costs and reasonable attorney fees. In default of the payment of any fines set forth herein, any person or entity convicted under the terms hereof may be subject to imprisonment for not more than 30 days. Each violation of any provision of this chapter and each day the same is continued shall be deemed a separate enforceable offense. **[Amended 4-8-1996 by Ord. No. 96-4; 6-9-1997 by Ord. No. 97-9]**