

ORDINANCE NO. 598

AN ORDINANCE OF THE BOROUGH OF FORD CITY ESTABLISHING
AND IMPLEMENTING A VOLUNTARY CURB SIDE SOURCE SEPARATION
AND COLLECTION PROGRAM FOR RECYCLABLE MATERIALS AND
PROVIDING PENALTIES FOR VIOLATION THEREOF.

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WHEREAS, by Ordinance No. 541, as from time to time supplemented and amended, known as the Ford City Municipal Garbage Collection Ordinance, established a system for the collection and disposal of refuse; and

WHEREAS, the Commonwealth of Pennsylvania has enacted Act No. 101 of 1988 known as the "Municipal Waste Planning, Recycling and Waste Reduction Act" providing, inter alia, for the separation and disposal of recyclable materials from refuse and Ford City is not required to do so but desires to establish a voluntary curb side separation and collection program to help counteract rising waste disposal costs; and

WHEREAS, the Borough of Kittanning and the Borough of Ford City plan to enter into a certain cooperative agreement between municipalities as permitted by Pennsylvania law to share the cost of equipment required to collect separated recyclable refuse;

BE IT THEREFORE ORDAINED AND ENACTED and it is hereby ordained and enacted by the Borough of Ford City, Armstrong County, Pennsylvania, as follows:

SECTION 1: PROGRAM

There is hereby established a voluntary curb side source separation and collection program of one or more of the following refuse: aluminum, clear and colored glass, newsprint and leaf waste.

SECTION 2: DEFINITIONS

As used in this Ordinance, the following definitions shall apply:

CUSTOMER - Means any individual person or family group or any commercial, business, professional, government or fraternal organization occupying a dwelling unit or other unit receiving water or sewage service.

DWELLING UNIT - Means any building or division of such building or apartment in such building which is used for human habitation by a separate family group or by separate individuals.

ALUMINUM CANS - Includes all disposable, recyclable containers fabricated primarily of aluminum and commonly used for beverages, fruits, vegetables and other liquid or dry matter.

GLASS - 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, however, blue and flat glass commonly known as window glass.

NEWSPRINT - Includes recyclable paper of the type commonly known as newspaper, but excluding therefrom periodicals, magazines and chemically coated paper.

LEAF WASTE - Includes tree trimmings, hedge clippings, grass cuttings, lawn cuttings, weeds and tree leaves.

SECTION 3: METHOD OF PLACING GARBAGE, PAPER AND OTHER MATERIALS FOR COLLECTION

Each customer having refuse from their dwelling units may place for disposal, removal or collection, as designated by Borough Council, aluminum cans, glass, newsprint and/or leaf waste, in strict conformity with the following regulations:

(a) All aluminum cans must be washed free of residue and must be enclosed in a separate container or clear plastic garbage disposal bag, tied or closed at the top, for collection;

(b) All glass bottles and containers must be washed free of residue, with caps removed and must be placed in a separate container or clear plastic garbage disposal bag, tied or closed at the top, for collection;

(c) All newspapers must be enclosed in a separate plastic garbage disposal bag, tied or closed at the top, for collection;

(d) All leaf waste shall be separated from other refuse for separate collection by the Borough unless that customer has otherwise provided for the composting of leaf waste.

SECTION 4: STORAGE

Each person separating and segregating recyclable materials pursuant to this Ordinance shall store the same in separate containers or plastic garbage bags, tied or closed at the top, until placed by them at curbside, or otherwise, for collection by the municipality in accordance herewith.

SECTION 5: COLLECTION

The Borough, as designated by Borough Council, will collect one or more of the above recyclable materials weekly, but, in no event, not less than once per month. Council will designate the collection day or days for each geographic area of the Borough and will give public notice thereof by advertisement in a newspaper of general circulation in the Borough. On or no sooner than twelve hours before each collection day, each customer shall place the plastic garbage bags containing the recyclable materials at curbside or at such other location where the Borough customarily collects his or her refuse, and the Borough will collect, transport, process or market the same in accordance with law. By resolution, Council will from time to time establish the fees to be paid for this service.

SECTION 6: COLLECTION BY UNAUTHORIZED PERSONS

Except as herein otherwise provided, it shall be a violation of this Ordinance for anyone other than employees or contractors of the Borough to collect or pick up or cause to be collected or picked up recyclable materials. Any and each such unauthorized collection shall constitute a separate and distinct offense and violation of this Ordinance.

SECTION 7: PROPERTY OF BOROUGH

From and after collection of recyclable materials by the Borough, the same shall be the property of the Borough.

SECTION 8: PENALTIES

Any person who shall violate Section 6 of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not

less than twenty-five dollars (\$25.00) or more than six hundred dollars (\$600.00) and costs of prosecution, and in default of payments of such fine and costs, to imprisonment for not more than thirty (30) days. Each violation of any provision of this Ordinance, and each day the same is continued, shall be deemed a separate offense.

SECTION 9: SEVERABILITY

If any part of this Ordinance is held by any Court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions thereof.

SECTION 10: REPEALER

Only to the extent inconsistent with the provisions of this Ordinance, Ordinance No. ____ of 1990, as supplemented and amended, is repealed. All other Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistency only.

SECTION 11: EFFECTIVE DATE

This Ordinance shall be effective from on and after the ____ day of _____, 19____.

DONE, ORDAINED AND ENACTED at a regular meeting of the Council of the Borough of Ford City held at the Council Chambers on the 16 th day of October . 1990 .

BOROUGH OF FORD CITY

ATTEST:

By Patricia Szaroff
President

Connie Dhabowsky
Secretary

Approved this 17th day of October, 1990.

Gregory D. Dimp
Mayor