

ARTICLE 952
Waste Minimization and Recycling

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CROSS REFERENCES

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

Municipal Solid Waste Management Act - see S.U. & P.S. Art. 951

952.01 PURPOSE AND GOALS.

The City finds that the reduction of the amount of municipal solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of Pennsylvania Act 101, The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and the County Plan. The separation and collection of used designated recyclable materials from the residential, commercial and institutional establishments in this City shall minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called for by the County

Plan and conserve natural resources. The promotion and use of recyclable material, goods produced from recycled materials, and goods which facilitate recycling shall further serve the same purposes by encouraging and facilitating recycling. The City shall endeavor to recycle the State mandated goal of twenty-five percent (25%) of municipal solid waste by January 1, 1997. Beginning with the effective date of this Act, the City shall begin to reduce the weight or volume per capita of municipal solid waste by January 1, 1997, in accordance with the provisions of Act 101.

(Ord. 31-2007. Passed 9-18-07.)

952.02 RESPONSIBLE AGENT.

(a) The Public Works Director shall be responsible for all aspects of the recycling program in the City.

(b) The Director shall be responsible for the preparation of all necessary plans for recyclable materials and the coordination of those plans with local, State and Federal agencies. The Director shall prepare, in consultation with the City Solicitor and other City offices, the instructions to bidders, specifications and other contract documents necessary to enter into contracts with the refuse/recycling contractor.

(c) The Director shall have the power and duty to:

- (1) Provide a public recyclable collection, storage, transportation and marketing service and/or approve and regulate the establishment, maintenance and operation of private recyclable material collection, storage, transportation and disposal services and sites;
- (2) Adopt, issue and enforce such rules and standards as are necessary to implement and carry out the intent of this article;
- (3) Issue warning notices and initiate proceedings against violators of this article;
- (4) Investigate all complaints made by either customers or the refuse contractor;
- (5) Inspect all aspects of recyclable collection, storage and disposal, including but not limited to equipment, containers, facilities, books and records; and
- (6) Designate an agent(s) to enforce this article.

(Ord. 31-2007. Passed 9-18-07.)

952.03 DEFINITIONS.

The following words, when used in this article, shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates otherwise.

- (a) "Act 101" means the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.
- (b) "Aluminum can" means containers which are comprised "entirely" of aluminum and which formerly contained only edible substances.
- (c) "Authority" means the York County Solid Waste and Refuse Authority.

- (d) "Cans" means containers comprised of aluminum, tin, steel or a combination thereof, which formerly contained only edible substances or such other substances as have been approved for recycling by the City. Includes, but not limited to: cans formerly containing such substances as vegetables, meats, fruits, juices or other similar food storage containers constructed of materials listed above. Does not include: hazardous cleaning substances, insecticide containers, automotive supply cans (such as transmission fluids, motor oils, etc.), and other similar containers.
- (e) "Cardboard" means all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, wax coated cardboard, soiled cardboard, pizza boxes and chip board.
- (f) "City" means the City of York, Pennsylvania.
- (g) "Commingled" means source separated, nonputrescible recyclable materials that have been mixed at the source of generation (that is placed in the same container).
- (h) "Contractor, refuse or recycling contractor" means such contractor as may be engaged by the City to collect, transport, market recyclables and dispose of all types of large items or bulky waste or appliances and refuse, defined under the terms of the contract.
- (i) "County" means the County of York, Commonwealth of Pennsylvania.
- (j) "County plan" means the solid waste management plan for York County as approved by the Pennsylvania Department of Environmental Protection and the City of York.
- (k) "Curbside magazines" means all post consumer magazines, office paper, computer paper, junk mail (coupons, sweepstake entries, including envelopes). The following are specifically excluded from the definition of curbside magazines (hereafter referred to as excluded material): newspapers, cardboard, cereal boxes, paper back books (pocket books), and carbon paper.
- (l) "Designated pick-up point" means the point designated at each property where refuse, large items (bulky waste/white goods), yard waste and recyclables are to be placed for collection by the refuse contractor at the curb, edge of alley or as designated by the Public Works Director.
- (m) "Designated recyclable materials" means those recyclable materials to be source separated in this City. The term may include, but may not be limited to, glass, cans, plastic containers, newsprint, high grade office paper, mixed office paper, curbside magazines, corrugated cardboard, yard waste or other materials.
- (n) "Director" means the Public Works Director of the City of York, Pennsylvania.
- (o) "Disposition" or "disposition of designated recyclable materials" means the transportation, placement or arrangement of designated recyclable materials for all possible end uses except disposal as solid waste.

- (p) "Glass" means all clear, green and brown colored glass food and/or beverage containers. Glass shall not include crystal, ceramics, lightbulbs and plate, window, laminated, wired or mirrored glass.
- (q) "Hazardous waste" means any waste which by virtue of its quantity or content presents a hazard to the individuals handling it, a hazard to public health, or potential pollution to the air or waters of the Commonwealth of Pennsylvania or makes land unfit or undesirable for normal use; this includes, but is not limited to chemicals, explosives, pathological wastes, radioactive materials, and any materials defined hazardous wastes by Federal or State law or regulation.
- (r) "High-grade office paper" includes paper items generated by offices and/or commercial entities. This may include white computer paper, white copier paper, white typing paper, white letterhead paper, white note pad paper and other similar office paper.
- (s) "Leaf and yard waste facility" means an area designated by the City where leaves, tree trimmings, brush, and garden residue are processed. This area may also be used as a public drop-off point, during the posted hours of operation only for yard waste as designated by the Public Works Director.
- (t) "Municipal solid waste" means, as defined in Act 101 any garbage, refuse, industrial lunchroom or office waste and other material, including solid, 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 Act 97 from a municipal, commercial or plant or air pollution control facility. The term does not include source-separated recyclable materials.
- (u) "Municipality" means the City of York located within the County of York, Commonwealth of Pennsylvania.
- (v) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (w) "Person" means any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, public and private schools and educational facilities, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

- (x) "Plastics" includes plastic #1 (PET, Polyethylene Terephthalate) and #2 (HDPE, High-Density Polyethylene).
- (y) "Recyclable material" means a material which would otherwise become municipal solid waste, which can be collected, separated or processed, and returned to beneficial use in the form of raw materials or products.
- (z) "Recycling" means any process by which materials, which would otherwise become municipal solid waste, can be collected, separated or processed, and returned to beneficial use in the form of raw materials or products.
- (aa) "Recycling container" means the container used for the express purpose of storing recyclables for collection by the City's contractor.
- (bb) "Refuse" means all regulated nonrecyclable municipal waste which is discarded as useless.
- (cc) "Resident" means any person residing within the City on a temporary or permanent basis.
- (dd) "Solid waste" means garbage, refuse and other nonrecyclable discarded materials resulting from commercial, institutional, residential and community activities.
- (ee) "Source separated" means to separate recyclable materials from the solid waste stream at the point of waste generation.
- (ff) "Yard waste" includes leaves, tree trimmings, brush and garden residue that meet the City's collection requirements. Grass clippings are specifically excluded from the definition of yard waste and grass shall either remain on lawns or be properly prepared and placed for disposal as regular refuse. (Sec. 952.08)
(Ord. 31-2007. Passed 9-18-07.)

952.04 ESTABLISHMENT OF CURBSIDE PROGRAM.

The Public Works Director shall designate a schedule and plan for curbside collection of recyclable materials for compliance with Act 101 by the deadline set by the Commonwealth of Pennsylvania, September 26, 1990.
(Ord. 31-2007. Passed 9-18-07.)

952.05 COLLECTION STANDARDS.

- (a) Collections of recyclable materials pursuant to this section shall be made in accordance with schedule set by the Public Works Director or as designated in the contract.
- (b) All residents of the Municipality within the area served by the curbside program established pursuant to this section shall source separate all designated recyclables and place them at designated pick-up points in the manner described in Section 952.06 and on the day and time specified for collection by the schedule published by the City.
- (c) The schedule which shall proceed upon public notice by the Director shall direct recyclables to be collected on the first day of the two regularly scheduled weekly pick-ups. For example, those residents who normally place solid waste for collection on Mondays and Thursdays shall also place yard waste (March 1 - December 15) and recyclables for collection on Mondays. Residents with regular refuse collection scheduled for Tuesdays and Fridays, shall also place yard waste (March 1 - December 15) and recyclables for collection on Tuesdays.

(d) All commercial and institutional establishments that currently utilize the existing curbside refuse collection program are required to separate all designated recyclables. Those commercial establishments who contract privately and individually for recycling/refuse collection are required to recycle materials as designated by this article. All commercial or institutional establishments are required to provide written documentation as to the type and weight of materials recycled annually. Reports are due to the City in a form required by the City no later than January 15 of each year.

(e) All designated recyclable materials shall be separated from municipal solid waste generated at apartment and condominium buildings.
(Ord. 31-2007. Passed 9-18-07.)

952.06 RESPONSIBILITIES OF PROPERTY OWNERS.

(a) Apartment and Condominium Buildings.

- (1) Property owners shall arrange with the City for collection of recyclables from their properties.
- (2) All property owners of residential rental units are responsible for posting refuse/recycling rules and information inside each apartment unit and in each common doorway, where possible. Further, owners are required to inform tenants of collection requirements such as: collection days, time of placement and designated pick-up points. The City shall provide public information to landlords upon request for distribution to tenants.
- (3) Property owners shall inform residents and employees about the materials to be recycled, how to prepare materials and how to use collection in writing at least once per year.
- (4) At this time, property owners, landlords and managers who comply with these requirements are not liable for nonparticipation of tenants.

(b) Commercial and Institutional Properties.

- (1) Property owners or their tenants shall arrange recycling collection.
- (2) All property owners of commercial and institutional properties are responsible for distributing refuse/recycling rules and information as provided by the City to tenants. Owners who make arrangements for their tenants are required to inform tenants of collection requirements such as: collection days, time of placement and designated pick-up points. The City shall provide public information to landlords upon request for distribution to tenants.

- (3) Property owners shall inform tenants and employees about the materials to be recycled, how to prepare materials and how to use collection in writing at least once per year.
- (4) At this time, property owners, landlords and managers who comply with these requirements are not liable for nonparticipation of tenants. (Ord. 31-2007. Passed 9-18-07.)

952.07 RESPONSIBILITIES OF COMMUNITY EVENT ORGANIZERS.

(a) Organizers of community events held in the City, which include but are not limited to, fairs, bazaars, socials, picnics, parades and organized sporting events shall provide recycling opportunities to participants. Organizers shall follow the Act 101 Requirements for Recycling at Community Activities, and the York City Requirements for Recycling at Community Events.

(b) For reporting purposes, organizers shall report amount and types of recyclables to the City on a required form within thirty days following the event. (Ord. 31-2007. Passed 9-18-07.)

952.08 SOURCE SEPARATION AND PREPARATION FOR COLLECTION.

All recyclables placed at the curbside by residents for collection pursuant to the curbside program established pursuant to Section 952.04 shall be prepared for collection in accordance with the following:

- (a) All newsprint shall be placed in brown paper grocery bags or tied in bundles not exceeding forty pounds in weight nor exceeding one foot in thickness each.
- (b) Cardboard shall be flattened and tied in bundles not exceeding forty pounds in weight with dimensions not exceeding three feet by one foot by three feet. Cardboard bundles shall be placed at the designated pick-up point.
- (c) Glass, cans and plastic containers shall have caps and lids removed, shall be rinsed free of contaminants, and shall be placed commingled in a recycling container. Only recycling containers designated by the City shall be utilized for recyclable material collection.
- (d) Curbside magazines shall be placed in brown paper grocery bags, securely fastened or tied in bundles not exceeding one foot in thickness each.
- (e) Yard waste collected curbside shall meet the following regulations:
 - (1) All bundles of brush shall be less than 3 feet in length, 3 feet in diameter and weigh no more than forty pounds each. All stems and branches shall be less than 4 inches in diameter. All stems and branches in excess of 4 inches in diameter are excluded from the City's yard waste program and must be handled privately.
 - (2) Yard waste shall either be bundled or placed in a biodegradable paper yard waste/leaf bag or in an authorized yellow yard waste container as designated by the Public Works Director for collection by the City's collection contractor. There is no limit on the quantity of bags or bundles, however, each bag or can shall not exceed forty pounds and each bundle shall not exceed forty pounds.

- (f) No material shall be placed at the designated pick-up point earlier than 5:00 p.m. the evening of the day preceding a scheduled collection day. Material shall be placed at the designated pick-up point by 6:00 a.m. on the scheduled collection day. Bundled cardboard, bundled or bagged newsprint, bundled or bagged curbside magazines, the commingled recyclables container and bundled or bagged yard waste (March 1 - December 15) shall be placed at the curbside for collection adjacent to one another and clearly separated from containers of solid waste. (Ord. 31-2007. Passed 9-18-07.)

952.09 ESTABLISHMENT OF LEAF AND YARD WASTE FACILITY.

There is hereby established a facility, the "Leaf and Yard Waste Recycling Facility", for the processing and storage of leaves and yard waste including tree trimmings, brush and garden residue.

(Ord. 31-2007. Passed 9-18-07.)

952.10 MANDATORY SOURCE SEPARATION OF YARD WASTE.

(a) No person shall place yard waste, at the designated pick-up point for collection as solid waste by the contractor.

(b) All persons who gather yard waste and who are served by the municipal program for separate collection of yard waste shall source separate all yard waste and place for collection at the times and in the manner heretofore or hereafter prescribed by the Public Works Director.

(c) A leaf and yard waste composting facility has been established in Section 952.09. This area may also be used as a public drop-off point for yard waste during the posted hours of operation only as designated by the Public Works Director.

(d) Nothing herein shall require any person to gather yard waste or prevent any person from utilizing yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes, provided it is maintained in a safe and sanitary manner, as deemed appropriate by the City.

(e) Failure to properly maintain a backyard compost pile in a safe and sanitary manner as determined by the City is deemed a nuisance. (Ord. 31-2007. Passed 9-18-07.)

952.11 MANDATORY COMMERCIAL AND INSTITUTIONAL SOURCE SEPARATION PROGRAM.

(a) All persons within the City who are not residents and who are not served by the curbside program established pursuant to Section 952.04 shall source separate and arrange for the collection for recycling of all designated recyclables.

(b) Designated Recyclables. Designated recyclables for the mandatory commercial and institutional source separation program may include, but are not limited to, the following materials:

- (1) High grade office paper, which shall include paper items generated by offices and/or commercial entities;
- (2) Corrugated cardboard;
- (3) Glass, cans and plastics;
- (4) Yard waste; and
- (5) Other recyclable materials as designated by the Public Works Director at all times thirty days after such designation and publication of notice.

(c) Responsibility. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who generates the recyclables ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Such arrangements may include, without limitation, direct marketing of recyclables, delivery to a drop-off, contracts with solid waste collection/haulers for separate collection of any or all designated recyclables, contracts with other persons for separate collections of any or all designated recyclables, or direct delivery to the designated site(s) or participation in the City's designated program.

(d) Reporting Requirements. For the purpose of reporting as required by the Commonwealth of Pennsylvania, all commercial or institutional establishments shall report amounts and types of recyclables to the City on a form required by the City for such purposes, annually, or as often as deemed necessary by the City. Reports for the preceding year shall be due to the City by January 15 each year. Failure to complete the form may result in an inspection of the commercial/institutional property and other penalties as described in Section 952.99.

(Ord. 31-2007. Passed 9-18-07.)

952.12 PROHIBITED ACTS.

- (a) It shall be unlawful for any persons, owners, tenants and lessees:
- (1) To collect any designated recyclable material which has been placed at the pick-up point for collection or within a recycling drop-off pursuant to this article other than the designated contractor;
 - (2) To violate or to cause or to assist in the violation of any provision of this article or any provision of the Pennsylvania Act 101 concerning recycling;
 - (3) To place or to cause to be placed any material other than a designated recyclable in a designated recycling container or in or near a recycling drop-off;
 - (4) To hinder, obstruct, prevent or interfere with the City or their personnel or designated contractor in the performance of any duty under this article or in the enforcement of this article;
 - (5) To allow recyclable materials that have been scattered or spilled from containers or bundles by other than negligence of the recycling contractor to remain in the right of way;
 - (6) To cause or to assist in the unauthorized use of containers;
 - (7) To cause or allow any unauthorized accumulation of municipal solid waste or other nonrecyclable material within the recycling container which is hereby declared to be a nuisance and is prohibited. Failure of the property owner, tenant or lessee to remove the existing accumulation within five days shall be deemed in violation of same;

(b) Any unsanitary or unsafe backyard compost pile as determined by the City shall constitute a public nuisance.

(c) All unlawful conduct set forth in this article shall constitute a public nuisance.
(Ord. 31-2007. Passed 9-18-07.)

952.13 NONCOLLECTION OF SOLID WASTE CONTAMINATED BY DESIGNATED RECYCLABLES.

The City, or at the direction of the City, the designated contractor collecting solid waste generated within the City may refuse to collect solid waste from any person who has clearly failed to source separate recyclables from solid waste designated under any applicable section of this article.

(Ord. 31-2007. Passed 9-18-07.)

952.14 NONCOLLECTION OF DESIGNATED RECYCLABLES CONTAMINATED BY SOLID WASTE.

The City, or at the direction of the City, the designated contractor collecting recyclables generated within the City may refuse to collect designated recyclables from any person who has clearly failed to source separate designated recyclables from solid waste as designated under an applicable section of this article. The City, or at the discretion of the City, the designated contractor collecting recyclables generated within the City, shall remove contaminated, misused or misplaced recycling containers as needed.

(Ord. 31-2007. Passed 9-18-07.)

952.15 BUY RECYCLED.

The City established a Recycled Product Procurement Policy, Article 138, to develop a market for products that incorporate postconsumer materials in their manufacturing, are reusable, or are designed to be recycled, to the greatest extent feasible. Businesses and institutions shall consider and purchase products that are made from recycled materials and that can be recycled to the greatest extent possible.

(Ord. 31-2007. Passed 9-18-07.)

952.16 OTHER MEANS OF DISPOSAL.

Notwithstanding anything herein to the contrary, any resident of the City may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not under any circumstances collect recyclable material from any designated collection point without prior written permission from the City for such collection.

(Ord. 31-2007. Passed 9-18-07.)

952.17 NONINTERFERENCE WITH EXISTING CONTRACTS.

(a) Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the City on the effective date of this section.

(b) No renewal of an existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this section, unless such renewal or such contract shall conform to the requirements of this article.

(Ord. 31-2007. Passed 9-18-07.)

952.18 ADDITIONAL REPORTING REQUIREMENTS.

(a) All contractors providing recycling services to customers in the City are required to conform to all provisions in Act 101, the County Plan and this article, including, but not limited to, keeping accurate weight receipts for all designated recyclable materials and municipal solid waste collected from within City limits. These totals shall be provided to customers and the City annually or as often as deemed necessary by the City. These contractors shall make available for inspection any records/weight receipts pertaining to customers in the City.

(b) Commercial customers and institutions shall allow the City to use the information collected from their recycling efforts for the purpose of grant applications to the State.

(Ord. 31-2007. Passed 9-18-07.)

952.99 PENALTY.

Any persons, firms, corporations or associations who violate or fail to comply with any provision of this article, shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days (90 days). Each continuing day of violation of this article shall constitute a separate offense.

(Ord. 1-2009. Passed 1-6-09.)