

THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF NEWPORT

ORDINANCE NO. 1998-4

RECYCLING ORDINANCE

AN ORDINANCE TO ESTABLISH A RECYCLING PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS FROM HOMES, APARTMENTS, AND OTHER RESIDENTIAL ESTABLISHMENTS, FROM COMMERCIAL, BUSINESS, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS, AND FROM COMMUNITY ACTIVITIES IN THE TOWNSHIP OF NEWPORT FOR RECYCLING PURPOSES: TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; TO EMPOWER THE TOWNSHIP OF NEWPORT TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREFORE; AND TO FIX PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and

WHEREAS, conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment; and

WHEREAS, the adoption and implementation of recycling will effect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Newport in the County of Luzerne, Commonwealth of Pennsylvania by the authority of the same that:

SECTION I. TITLE:

The short title of this Ordinance shall be the "Newport Recycling Program Ordinance", or "N.R.P." and the same may be cited in that manner.

SECTION II. DEFINITIONS:

Terms that are used in the ordinance:

ALUMINUM CANS shall mean empty all-aluminum beverage and food containers.

BIMETALLIC CONTAINERS shall mean empty food or beverage containers consisting of steel and aluminum.

COMMERCIAL ESTABLISHMENT shall mean those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings.

COMMUNITY ACTIVITIES 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.

CORRUGATED CARDBOARD shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

CURBSIDE COLLECTION shall mean the collections by the municipality or its authorized agent (s) of recyclable materials placed at the curbside or other designated location, such as RECYCLING CENTER/DROP OFF SITE.

FERROUS CONTAINERS shall mean empty steel or tin-coated steel food or beverage containers.

GLASS CONTAINERS shall mean 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 shall mean all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT shall mean those facilities that house or serve groups of people such as hospitals, schools, day care centers, and nursing homes.

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

LEAF WASTE shall mean leaves from trees,

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

MULTI-FAMILY HOUSING PROPERTIES shall mean any properties having four (4) or more dwelling units per structure.

MUNICIPAL ESTABLISHMENTS shall mean public facilities operated by the municipality and other governmental and quasi-governmental authorities.

MUNICIPALITY shall mean the Township of Newport.

NEWSPAPERS shall mean 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 glossy advertising inserts often included with newspapers, and newspapers which have been soiled.

PERSON (S) shall mean owners, lessees and occupants of residences, commercial or institutional establishments.

PLASTIC CONTAINERS shall mean 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 recycled.

RECYCLABLE MATERIALS shall mean source separated recyclable materials, including materials listed in S1501 of Act 101, and materials identified by the Township to be recycled.

RESIDENTIAL DWELLINGS shall mean any occupied single or multi-family dwelling from which the Township or private haulers provides municipal waste collection service.

SOLID WASTE shall mean all refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler.

SOURCE SEPARATED RECYCLABLE MATERIALS shall mean those materials separated at the point of origin for the purpose of being recycled.

WASTE shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed.

YARD WASTE shall mean prunings, grass clippings, weeds, and leaves and garden waste.

SECTION III. ESTABLISHMENT OF PROGRAM:

There is hereby established by the Township of Newport hereinafter referred to as the Township, a Recycling program that mandates that recyclable materials shall be kept separate from solid waste by all persons, from residential to commercial premises within the borders of the Township of Newport AND outlines its elements in accordance with Act 101, S1501 (c).

The elements of the recycling program include the following:

- (1) Separation of recyclables by residences, storage and collection;
- (2) Separation of recyclables by commercial, municipal and institutional establishments and community activities, storage and collection;
- (3) Separation of recyclables by multi-family housing properties, storage and collection;
- (4) Separation, collection and composting of leaf waste;
- (5) A sustained public information and education program.

The specific program regulations are provided as an attachment to the ordinance, and that the governing body is empowered to make changes to the program regulations as necessary. Subsequent changes in the program regulations may be made through approval of the Township and public notice and notification of all affected parties and shall not necessitate a change in the ordinance itself.

SECTION IV. LEAD ACID BATTERIES:

It prohibits disposal of lead acid batteries at the curb with the ordinary household waste.

SECTION V. SEPARATION AND DISPOSAL OF LEAF WASTE:

Leaf waste will be separated from the regular Township Solid Waste, and be picked up at curbside by the Township at all residential establishments, commercial, business, municipal and institutional establishments, during a normal Leaf Waste collection period, which shall be in effect from on or about the 2nd week of October to no later than the 3rd week of December. Leaf Waste shall be placed at curbside, in containers designated by the Township, or where designated by the Township, such as Recycling Center/Drop Off Site.

SECTION VI. MUNICIPAL OWNERSHIP OF RECYCLABLES:

From the time of placement at the curb or at a Recycling Center/Drop Off Site of any recyclable material, pursuant to the provisions of this Recycling Ordinance and the regulations issued hereunder, all recyclable materials shall become and be the property of the Township of Newport. It shall be a violation of the terms of this Ordinance for any person, other than authorized personnel of the Township, to collect, pick up, or cause to be collected or picked up, any such recyclable material. Each such collection or "pick-up" in violation hereof shall constitute a separate and distinct offense.

SECTION VII. RECYCLING OF MATERIALS:

Recyclable materials designated by the Township shall be placed at curbside or other Township designated location, such as Recycling Center/Drop Off Site. All recyclable materials shall be kept separate from other Solid Waste or Leaf Waste, in containers that the Township deems appropriate for separate collection or drop off at such places, times and dates as may be hereinafter established by regulations.

SECTION VIII. FRANCHISE OR LICENSE:

The Township may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside or elsewhere as designated by the Township.

SECTION IX. INCENTIVE, VIOLATION, PENALTY AND ENFORCEMENT:

Any person who shall violate any provision of this Ordinance and program regulations shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided: each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separation offense.

SECTION I. ENFORCEMENT AND ADMINISTRATION:

The Township is authorized and directed to enforce this Ordinance. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this Ordinance. The Township may change, modify repeal or amend any portion of said rules and regulations at any time.

SECTION XI. ALTERNATIVE COLLECTION OF RECYCLABLE MATERIALS:

Any person may donate or sell recyclable materials to individuals or organizations. These materials must be delivered to the individual's or organization's site.

SECTION XII. SEVERABILITY:

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, sentence or part of this Ordinance directly involved in the controversy in which such judgement shall have been rendered.

SECTION XIII. REPEALER:

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION XIV. EFFECTIVE DATE:

This Ordinance shall take effect upon adoption.

TOWNSHIP OF NEWPORT

JOSEPH DELUCA, PRESIDENT
Board of Commissioners

ATTEST:

John Elmy , Township Secretary

DATED: _____

I, RICHARD V. ZIKA, DULY APPOINTED SECRETARY OF NEWPORT TOWNSHIP, HEREBY CERTIFY THAT ORDINANCE NO. 1998-4, WAS DULY ADOPTED AT A REGULAR MEETING OF THE COMMISSIONERS OF NEWPORT TOWNSHIP HELD ON AUGUST 8, 1998.

Richard V. Zika
RICHARD V. ZIKA, SECRETARY

JANUARY 5, 2005

RECYCLING PROGRAM REGULATIONS

These regulations will govern the Township of Newport Recycling Program as empowered by Section III of Ordinance No. 4 - 1998 Newport Recycling Program (N.R.P.) Ordinance.

1. Separation of Recyclables by Residents and Storage and Collection:

The following materials are designated as recyclables for the Newport Recycling Program: clear glass, colored glass, aluminum, tin, steel, bimetallic cans, plastics, newsprint and leaf waste. These are to be source separated as follows:

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| A. Clear glass | E. Plastics |
| B. Colored glass | F. Newsprint |
| C. Aluminum cans | G. Leaf Waste |
| D. Tin, Steel, or Bimetallic cans | |

All glass and aluminum, tin, steel bimetallic cans shall be properly cleaned by the resident. Metal rings and caps must be removed from glass.

Recyclables will be placed at curbside for collection on days designated by the Township.

2. Separation of Recyclables by Multi-Family Housing Properties and Storage and Collection:

All recyclables, separation and cleaning are defined in Section 1 above.

The section allows an owner, landlord or agent of an owner or landlord of multi-family housing properties to comply with the requirements of Act 101 by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning use and the availability of the collection system. Owners, landlords and their agents who comply with this section shall not be liable for the noncompliance of occupants of their buildings.

3. Separation of Recyclables by Commercial, Municipal and Institutional Establishments and at Community Activities and Storage Collection:

The following materials are designated as recyclables for the Newport Recycling Program: high-grade office paper, aluminum, tin, steel, bimetallic cans, plastic, clear glass, colored glass, newspapers, corrugated paper, and leaf waste. These are to be source separated as follows:

Newport Recycling Regulations

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| A. High-grade office paper | F. Newspaper |
| B. Aluminum cans | G. Corrugated paper |
| C. Tin, Steel, Bimetallic cans | H. Plastics |
| D. Clear glass | I. Leaf waste |
| E. Colored glass | |

All glass and aluminum, tin, steel, bimetallic cans shall be properly cleaned by the commercial, municipal or institutional establishment. Metal rings and caps must be removed from glass.

Recyclables will be placed at curbside for collection on days designated by the Township, or their private hauler.

An annual report must be provided to the Township on forms to be provided, containing recycled items and weights.

4. Separation and Collection Leaf Waste

Leaf waste will be placed at curbside for collection on days designated by the Township as per Section V of Ordinance No. 4 1998.

5. Recycling Center / Drop Off Site:

As per alternative to placing recyclables at curbside, residents, multi-family housing owners and commercial, municipal and institutional establishments may deposit recyclables at this site.

6. Public Education Program:

Newport Township will conduct an educational program commencing in July, 1998 and at least once every six (6) months thereafter. Methods which will be utilized to inform the public of recycling will include newspaper ads, newsletters, leaflets or other forms of education.

7. Changes to the Regulations:

Changes to the recycling program regulations will require approval from the governing body (administrative decision, vote at public meeting, resolution, etc. - no ordinance change is needed). Public notice and notification to all affected parties will be required in advance of any program changes.