

RESOLUTION 90-121

A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, ADOPTING REGULATIONS PURSUANT TO ORDINANCE 89-8 THE HOPEWELL TOWNSHIP RECYCLING ORDINANCE.

WHEREAS, the Township of Hopewell passed Ordinance 89-8 requiring mandatory recycling in the Township of Hopewell, and

WHEREAS, the Township Ordinance 89-8 requires adoption of regulations to implement the recycling program for residential, commercial, municipal and institutional establishments.

NOW, THEREFORE, BE IT RESOLVED the following regulations are adopted and attached hereto as EXHIBIT A.

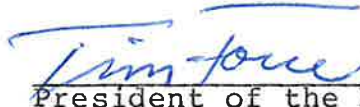
ADOPTED THIS 9th day of October, 1990

HOPEWELL TOWNSHIP
BOARD OF COMMISSIONERS

WITNESS



Manager/Secretary



President of the Board

EXHIBIT A

HOPEWELL TOWNSHIP

RECYCLING REGULATIONS

SECTION A INTRODUCTION

Regulations to implement the recycling program are authorized by Section (6) of the Hopewell Township Recycling Ordinance (89-8). The regulations address two waste generation sectors as required by specific sections of Pennsylvania Act 101 of 1988.

1. Residential [Section 1501, (c), (i), (1)]
2. Commercial, Municipal or Institutional establishments and community activities [Section 1501, (c), (iii)]

For each of the above sectors the following must be declared:

1. Materials to recycle
2. Proper preparation of materials for collection
3. Collection system
 - a. placement of materials and
 - b. frequency of collection
4. Reporting system
 - a. Reports to Beaver County and
 - b. Source Separation and Recycling Report for Multi-Family Residential, Commercial and Institutional Establishments and Community Activities to be prepared by persons not receiving municipally contracted waste collection/recycling services to be submitted semi-annually to the municipality.
5. Program to insure compliance with the Municipal Recycling Ordinance, including incentives and penalties.
6. Public information program.

SECTION B RESIDENTIAL

c2.1 Materials to recycle.

Act 101 requires persons to separate at least three materials, from a list of eight materials, from other municipal waste generated at their homes, apartments and other residential establishments. The eight materials listed by Act 101 are listed in the table below in these categories: Paper, Glass, Metals and Plastics.

Recyclable Materials for Residential Recycling
(a minimum of 3 materials must be selected by the Municipality)

<u>Paper</u>	<u>Glass</u>	<u>Metals</u>	<u>Plastics</u>	<u>Leaf Waste*</u>
Newspaper	Clear Glass	Aluminum		
Corrugated Paper	Colored Glass	Steel and		
High-grade office paper		bimetallic cans		

* Leaf waste must be kept separate from waste

Recyclable materials to be kept separate from waste by residents of Hopewell Township are the following:

<u>Clear Glass</u>	<u>Steel and Bimetal Cans</u>
<u>Colored Glass</u>	<u></u>
<u>Aluminum Cans</u>	<u></u>

The municipality may, by resolution, add or delete materials from the above list of recyclables.

c2.2. Instructions for the proper preparation of materials for collection.

Materials must be properly prepared for collection. Instructions for the preparation of each material are set forth in Attachment Number 1. MANDATORY RECYCLABLES FROM RESIDENTIAL PROPERTIES AND MATERIAL PREPARATION REQUIREMENTS

c2.3 Collection System

a. Each residential property, in dwelling units of four or fewer units, will place properly prepared recyclables for collection at the curb according to Attachment Number 2. CURBSIDE RECYCLING SCHEDULE.

In cases where a holiday falls on one of the collection days the Municipality shall announce an alternative collection day.

b. For those multi-family residential properties not receiving waste collection service from the Municipal Contractor, the Municipality shall be notified by the resident, landlord or property owner of the name of the Private Waste Collector utilized. As a condition of the right to conduct waste collection service in the Municipality, each private waste collection firm must secure a license from the Municipality. As a requirement of this license, the private waste collector must provide recycling collection service for each customer. The frequency of collection shall not be less than once per month although more frequent service is acceptable.

Owners or landlords of multifamily rental housing properties with four or more units may comply with their responsibilities by establishing a collection system for recyclables at each 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 this regulation are not liable for the noncompliance of occupants of their buildings. The owners or landlords of multi-family residential properties shall provide the means to collect leaf waste separate from waste.

c. Dropoff system. At such times and places that the Municipality establishes a collection site for recyclables, all residents of the Municipality are free to deliver recyclables to the Municipal recycling dropoff site at times posted. Material shall be properly prepared for recycling before placement at the dropoff site according to the terms of Attachment Number 4. RECYCLING DROPOFF SITE: RECYCLABLES ACCEPTED AND MATERIAL PREPARATION REQUIREMENTS.

c2.4 Reporting System

a. Recycling Report to Beaver County.

The Municipality is required by Act 101 to prepare and submit reports on its recycling program. A recycling report must be submitted to Beaver County on or before February 15th of each year, for inclusion in waste management planning reports to DER, as required by Act 101, Section 304(f). The report must contain specific information on the amount of material recycled during the previous year. The Municipality will collect information of the recycling services provided to users of the municipal waste collection service or the municipally contracted waste or recycling collection service. Residences receiving private waste and recycling collection services must submit a Source Separation and Recycling Report for Multi-Family Residential, Commercial, Institutional Establishments and Community Activities.

b. Source Separation and Recycling Report for Multi-Family Residential, Commercial, Institutional Establishments and Community Activities.

Act 101 authorizes the Municipality to exempt residences from receiving recycling service from the Municipality provided that they submit reports on the quantity of material recycled. In order to gain information from residences not receiving recycling services from the Municipal Contractor, each residential establishment (landlord, owner, or tenant) shall file semi-annually, a Source Separation and Recycling Report for Multi-Family Residential, Commercial, Institutional Establishments and Community Activities with the Municipality. The quantities of each material, from the listing above (Section 1.a), collected for recycling, and the location at which each material was marketed shall be provided in the report. If the Private Waste Collector is utilized as the recycler, the Collector must provide weigh slips to customers, indicating where the material was marketed. Weigh slips or other means to verify quantities recycled shall accompany the report. The recycling report shall be on a form prepared by the Municipality, and notarized.

c. Performance Grant Application

The Municipality's recycling report to Beaver County will be used by the Municipality as the basis for reporting achievements in the recycling program to the PA DER for Performance Grant funding under Section 904 of Act 101. The Municipality can apply for this funding annually.

c2.5 Provisions to insure compliance with the Municipal recycling ordinance, including incentives and penalties.

a. Compliance Program

The Municipality must establish provisions to insure compliance with its recycling ordinance, as required by Act 101, Section 1501, (c) (4). The Municipality's compliance program for residential properties is similar for both those properties receiving waste collection service from the Municipal Contractor and those receiving service from Private Waste Collectors.

Residents in the Municipality are required to keep separate from waste recyclable items identified in Section 1. of these regulations. Residents placing recyclables for collection at the curb or at the dropoff site are required to prepare materials according to specifications in Section 2. of these regulations. The municipality will notify residents using it's waste or recycling services if material has been improperly prepared. As a condition of the license to collect waste in the Municipality each Private Waste Collector is required to notify residential customers if waste or recyclables have been prepared improperly.

The ordinance compliance program contains two steps:
Notification and Warning.

(1) Notification.

As the first step, a Notice or ("Sorry Card") will be attached to the waste container or recycling container indicating the reason(s) the container was not emptied or collected. The following reasons will apply:

- a. Recyclables placed in waste container
- b. Recyclables placed for collection on the wrong day, or at the wrong location
- c. Recyclables not prepared properly
- d. Nonrecyclables in recycling container

The notice form, provided by the Municipality may contain a tear-off tag, which is to be removed by the waste collection crew, recycler or the Private Waste Collector, whichever is appropriate, completed and submitted within 48 hours to the Municipal Manager. Information required to be supplied on the tag consists of the following: address of the residence, and reason notification was left. The tag will also contain a space to write any comments regarding the incident.

(2) Warning

Repeated offenses will be tagged by the waste collection crews, recyclers or the Private Waste Collector with a Warning Notification. This Warning Notification shall indicate why material was not collected, and that this has been a repeated violation of the Municipal recycling ordinance. The tear-off tag of the Warning Notification shall be completed and submitted within 48 hours to the Municipal Manager. The municipality upon receipt of the Warning Notification shall correspond with the property owner by registered mail. The correspondence shall repeat the reason for the Warning Notification, include a statement of the penalties found in the Municipal recycling ordinance and provide a copy of the most recent recycling program notice and instruction sheet.

Warning Notifications shall be submitted to the Municipality for each violation of the ordinance. The Municipality shall investigate repeated Warning Notifications and upon the advice of counsel initiate legal proceedings against the violator. Fines recovered shall be used to offset all costs to bring legal action with the balance placed into a fund to educate the public regarding the recycling program.

b. Incentives.

Incentives to encourage recycling are a requirement of Act 101. The incentive in the Municipality's recycling program for the residential sector that are customers of the municipal waste or recycling service includes providing household recycling containers to each residence. The container provides a convenient means to carry material to the curb for collection or to transport material to the dropoff site.

The recycling program has the additional incentive of depressing the accelerating rise in disposal costs. By removing materials from the waste stream, the overall waste disposal bill is reduced, with this saving passed on to users of the waste system.

c. Penalties.

The Municipality's recycling ordinance, Section 7 provides for penalties for violation of the ordinance.

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Ordinance, or any regulation thereof, shall be punishable by a fine not to exceed One Hundred (\$100.00) Dollars upon a first conviction and Three Hundred (\$300.00) Dollars upon a second or subsequent conviction. The above fines shall not be applicable to a conviction for Section 5 hereof which shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars. No enforcement of Sections 3 and 4 of this Ordinance shall be made until three (3) months from the effective date of regulations authorized to be promulgated hereunder.

c2.6. Public Information.

Act 101 requires that the Municipality establish a comprehensive and sustained public information and education program concerning the recycling program features and activities. The Municipality must notify persons occupying residential premises of the requirements of the Municipality's recycling ordinance and these regulations. Such notification shall occur 30 days prior to starting the program, and every six months, at a minimum thereafter.

a. Newsletter.

The municipality may publish a Newsletter for circulation to residents. The Newsletter will contain articles about the recycling program, its status, success, progress, and the responsibilities of residents. The newsletter will form the basis for informing each resident of the recycling program.

The Municipality will notify each property owner of a multi-family unit containing more than four units of the recycling program and provide copies of the newsletter for distribution to tenants or residents. The Municipality will request that the property owner of multi-family units post, in areas commonly used for notices, the Newsletter and special information regarding the recycling program.

b. Recycling calendars.

The Municipality may distribute a calendar listing the curbside collection days.

c. Refrigerator Magnets

Residents in the Municipality may be provided with refrigerator magnets to serve as a reminder of the recycling program.

d. Household Storage Containers

Residents of the Municipality may receive household storage containers which will also serve as reminders of the recycling program.

e. Recycling Posters

The Municipality shall distribute Recycling Posters to multi-family residential buildings. The Poster will contain information about the Municipal recycling program. A large space will be provided for the landlord to place information about the recycling program available to tenants. The poster shall be placed in the area the landlord has established as a common point for the collection of recyclables.

SECTION C. COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES.

Act 101 requires that a source separation and recycling program be established for commercial, institutional, municipal facilities and for community activities.

c2.1 Materials to Recycle

Act 101 specifies that high grade office paper, aluminum, corrugated paper and leaf waste and other material deemed appropriate by the Municipality shall be kept separate from waste at commercial, municipal or institutional establishments and from community activities.

a. Private Waste Collection Service. Each commercial, municipal and institutional establishment in the Municipality receiving Private Waste Collection service is advised to prepare a Recycling Plan using the "Recycling Plan Development Checklist" prepared by the Municipality. Each firm is required to recycle these materials.

Act 101 Mandated Materials Materials Selected by Municipality

high grade office paper
corrugated paper
aluminum
leaf waste

Clear Glass
Colored Glass
Steel & Bimetallic Cans

c2.2 Instructions for the proper preparation of materials for collection.

Materials shall be properly prepared for collection. Instructions for the preparation of each material are set forth in Attachment Number 5. MANDATORY RECYCLABLES FOR COMMERCIAL, INSTITUTIONAL AND MUNICIPAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES AND MATERIAL PREPARATION REQUIREMENTS.

c2.3 Collection System.

Establishments receiving Private Waste Collection service may look first for recycling collection service from the Private Waste Collector because the license issued by the Municipality to the collector requires that recycling collection services be provided to each customer. The waste collector can provide the service directly for all materials or provide an alternate collection service for a particular material. This may be true for facilities that generate substantial quantities of high grade office paper. Material shall be collected as frequently as necessary to prevent storage problems and at the same time provide for economic service, or,

The establishments may also choose to contract with another licensed Private Waste Collector to provide recycling collection service, or,

The establishments may also recycle and market their recyclables in-house as long as they provide for the recycling of all the designated materials and submit the required reports, or,

Commercial establishments providing for separation of recyclable materials through a state permitted recyclable separation system are exempt from recycling under Ordinance 89-8 as long as they report the materials recycled.

c2.4. Reporting System.

Commercial, municipal or institutional establishments must submit reports on the quantity of material recycled. The Source Separation and Recycling Report for Multi-Family Residential, Commercial, Institutional and Community Activities shall be prepared on a form issued by the Municipality. The Report shall include the quantities of each material, from the listing in Section c2.1, collected for recycling, and the location at which each material was marketed. Weigh slips or other means to verify quantities recycled shall accompany the report. If the Private Waste Collector is utilized as the recycler, the Collector must provide weigh slips to their customers indicating where the material was marketed.

c2.5 Compliance Incentives and Penalties.

Incentives and penalties are necessary to insure that the source separation and recycling program succeeds. Recycling is seen as the means to reduce waste service costs to customers regardless who provides the waste service. The Municipality's strategy stipulating recycling collection service as a condition of the Private Waste Collection license has as its overall objective, the placement of responsibility for the recycling service with the individual establishment rather than on the general taxpayer. This is

intended to place any costs for the service directly upon the establishment requiring the service rather than spread costs for the system inequitably across taxpayers. This is considered a very strong financial incentive.

Incentives within each establishment to encourage separation of materials by personnel are also very important. A variety of incentives, such as direct rewards achieved from the sale of materials, extra hours or overtime for the in-house recycling service, promotions, etc., should be available.

Penalties. The Municipality's recycling ordinance, Section 7 provides for penalties for violation of the ordinance.

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Ordinance, or any regulation thereof, shall be punishable by a fine not to exceed One Hundred (\$100.00) Dollars upon a first conviction and Three Hundred (\$300.00) Dollars upon a second or subsequent conviction. The above fines shall not be applicable to a conviction for Section 5 hereof which shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars. No enforcement of Section 3, 4, and 6 of this Ordinance shall be made until three (3) months from the effective date of regulations authorized to be promulgated hereunder.

Each firm and its Private Waste Collector are considered liable for prosecution for violation of the ordinance.

c2.6. Public Information.

Personnel in each establishment shall be informed of the requirements of the source separation and recycling program, and individual responsibilities. Each firm shall be required to display information provided by the Municipality regarding the recycling program. Each firm shall inform employees of the firm's recycling program through memos, staff meetings, surveys, and other conventional means.

SECTION D. ATTACHMENTS

ATTACHMENT NUMBER 1. MANDATORY RECYCLABLES FROM RESIDENTIAL PROPERTIES AND MATERIAL PREPARATION REQUIREMENTS

ATTACHMENT NUMBER 2. CURBSIDE RECYCLING SCHEDULE

ATTACHMENT NUMBER 3. RECYCLING DROPOFF SITE: RECYCLABLES ACCEPTED AND MATERIAL PREPARATION REQUIREMENTS

ATTACHMENT NUMBER 4. MANDATORY RECYCLABLES FOR COMMERCIAL, INSTITUTIONAL AND MUNICIPAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES AND MATERIAL PREPARATION REQUIREMENTS