

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 4120

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING A
PROGRAM FOR COLLECTION, STORAGE, TRANSPORTATION,
PROCESSING AND DISPOSAL OF MUNICIPAL WASTE AND FOR
RECYCLING, INCLUDING MANDATORY SOURCE
SEPARATION AND SEPARATE COLLECTION OF DESIGNATED
RECYCLABLE MATERIALS; PROVIDING FOR THE
REGULATION OF COLLECTORS; PROHIBITING THE
DISPOSAL OF DESIGNATED RECYCLABLE MATERIALS AND
LEAF WASTE WITH MUNICIPAL WASTE; EMPOWERING ST.
CLAIR BOROUGH TO ADOPT AND PROMULGATE
REASONABLE REGULATIONS THEREOF; FIXING PENALTIES
FOR VIOLATION OF THIS ORDINANCE AND SPECIFICALLY
REPEALING AND REPLACING PREVIOUS CONTRADICTIONARY
ORDINANCES.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the “Borough”), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled “General Powers”, authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, as follows:

Section 101. Title

This ordinance shall be known as the “St. Clair Borough Recycling Ordinance”.

Section 102. Citation

This ordinance may be cited as the “St Clair Borough Recycling Ordinance”.

Section 103. Scope

The provisions of this Ordinance shall apply to the handling of recyclable materials within the Borough of St. Clair.

Section 104. Intent.

Section 104.1. To bring St. Clair Borough into full compliance with Act 140 as adopted by the Pennsylvania General Assembly in 2006 governing the eligibility of municipalities to receive Recycling Program Performance Grants.

Section 104.2. This Ordinance shall provide a mandatory recycling program and govern all aspects of the collection, storage, transportation, processing and disposal of municipal solid waste in St. Clair Borough. It contains regulations applicable to collectors of municipal waste, collectors of recyclables, individuals, commercial, municipal and institutional establishments.

Section 105. Purpose.

An ordinance to require that all residents have waste and recycling service; to enhance the Borough’s residential program; to enhance the residential and business recycling program; to implement a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides suitable penalties; to provide for participation in a program for the recycling of special materials; to address illegal dumping and littering; and which confirms the designation of a recycling coordinator.

Section 106. Definitions.

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning appears clearly from the context:

AUTHORIZED COLLECTOR – A Private Hauler (as defined herein), or a person who, being so authorized by the terms of this Ordinance, who removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent of another person.

CARDBOARD – Any structural paper material with an inner core shaped in rigid parallel furrows and ridges.

COLLECTOR – A general term referring to any person who collects, for removal from premises, municipal waste or recyclables.

COMMERCIAL – Of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, financial or professional service or office enterprise, business or establishment.

COMPOSTING – The process of the biological decomposition of organic solid waste being biologically decomposed under controlled anaerobic or aerobic conditions to yield humus like product.

CORRUGATED PAPER – Structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packing cartons and boxes.

CURBSIDE – That location at the edge of any lot, parcel or piece of land adjacent to a public right-of-way or roadway, and which location is most accessible and/or convenient to any authorized collector, as defined by this Ordinance, for the purpose of collecting municipal waste and/or recyclables.

CURBSIDE COLLECTION – A method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties by placing them at curbside at a time designated by an authorized collector for collection and removal thereof for delivery to a recycling center.

DISPOSAL – The incineration, depositing, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DISPOSAL AREA – Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

GARBAGE – All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS – All empty food and beverage jars or bottles, the product being transparent or translucent (clear, green or brown). Expressly excluded are non-container glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

HIGH GRADE PAPER – Bond, copier, letterhead or mimeograph paper typically sold as “white ledger” paper, and computer paper.

INSTITUTIONAL – Of, or pertaining to, any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, schools, universities, churches and social or fraternal societies and organizations.

LEAF WASTE – Shall mean leaf waste from trees, bushes and other plants, garden residue, shrubbery and tree trimmings but not including grass clippings.

LANDLORD – The owner of residential property, made subject to a lease, or such owner’s authorized agent.

MAGAZINES – Printed matter, also known as “periodicals,” containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

METAL AND ALUMINUM CANS – Includes all disposable, recyclable containers fabricated primarily of aluminum, metal or bimetal and commonly used for beverages, fruits, vegetables and other liquid or dry matter, but specifically excludes aerosol cans.

MULTIFAMILY DWELLING – A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

MUNICIPAL – Of, or pertaining to, any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, St. Clair Borough, any counties, cities, boroughs, townships and municipal authorities.

MUNICIPAL WASTE – Any garbage, refuse, industrial, lunchroom or office waste and other materials, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal or commercial or institutional establishments, or from community activities and which are not classified as residual or hazardous waste, except farm produced manure, other agricultural waste and food processing used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of “residual or hazardous waste,” as defined in the Commonwealth of Pennsylvania Solid Waste Management Act. The term does not include source-separated recyclable materials or leaf waste.

MUNICIPAL WASTE LANDFILL – Any facility that is designed, operated, used and or maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

NEWSPAPER – Paper of the type commonly referred to as “newsprint” and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term “newspaper” expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper and any other paper products of any nature.

PERSON – Any agent, individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTIC – Manmade materials composed of large molecules called polymers. Specifically, HDPE, high density polyethylene, commonly used as plastic gallon milk jugs or PETE, polyethylene terephthala, commonly used for soda bottles.

PRIVATE HAULER – A person licensed by the State of Pennsylvania as per the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, or the Pennsylvania Consolidated Statutes, to collect, haul, transport municipal waste and recyclables. All such haulers shall comply with the provisions of Title 27, as well as all Federal, State, County and local laws and regulations.

RECYCLABLES – Materials designated as recyclable in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto), to be kept separate from municipal waste and recycled. The term includes leaf waste (as defined herein) (which is treated somewhat differently as it can be composted).

RECYCLING FACILITY – A facility employing a technology and/or a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term “recycling facility” shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include:

- (1) Any composting facility;

- (2) Methane gas extraction from a municipal waste landfill;
- (3) Any separation and collection center, drop-off point or collection center for recycling, or any source-separation or collection center for composting leaf waste;
- (4) Any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.

RUBBISH – Solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper or plastic) and non-compostable plant material, wood or nonputrescible solid waste.

STEEL CANS – Empty food or beverage containers made of steel, tin coated steel or ferrous metal food or beverage containers.

STORAGE – The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one (1) year constitutes disposal. This presumption may be overcome only by clear and convincing evidence to the contrary.

BOROUGH– St. Clair Borough, Schuylkill County, Pennsylvania.

TRANSFER STATION – A facility that receives and processes or temporarily stores municipal or residual waste at a location other than the generation site and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of such waste materials for offsite reuse. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastic. Nor does the term include the centrally designated location of a development where agents of the lot's owners have gathered the waste from the development for collection by a private hauler.

TRANSPORTATION – The removal from any site or location of any municipal waste or recyclable materials at any time after generation thereof.

WASTE – A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials, leaf waste or material approved by the Commonwealth of Pennsylvania, Department of Environmental Protection for beneficial use.

Section 107. Dumping; Litter

Section 107.1. It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of any municipal waste or recyclables upon the surface of the ground or underground within the Borough, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream, body of water or on any public right-of-way within the Borough. Backyard composting which is done so as not to create a public nuisance is excepted from this provision.

Section 107.2. All owners of commercial, institutional and municipal establishments in the Borough shall take all reasonable precautions to prevent the deposit and accumulation of debris on their premises. Such owner or operator may place appropriate waste containers on the sidewalks in front of or adjacent to their premises at a point that will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance. Borough Council must approve placement of bulk containers.

Section 107.3. Nothing contained herein shall prohibit a duly constituted property owners association or corporation from assembling municipal waste or recyclables at a central, accessible location, provided such activities are conducted and confined within the boundaries of that real estate development or subdivision, as defined herein, lawfully recorded and recognized as such.

Section 107.4. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located, if it is located on private property.

Section 107.5. No waste or recyclables shall be allowed to either accumulate on the ground or be disposed of on highways, Borough roads, vacant lots or other property, nor be thrown in any stream or other body of water.

Section 108. Storage of Refuse

Section 108.1. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Borough, except if it is in proper receptacles for collection or under an express approval granted by the Borough Council. No person shall throw or deposit any refuse in any stream or other body of water.

Section 108.2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) day after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

Section 108.3. It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored or the collector, to remove the covers or any of the contents of refuse receptacles.

Section 109. Unauthorized Placement of Refuse

It shall be unlawful for any person to place or deposit for collection any refuse not produced at the address from which collection is made or to bring any refuse into the Borough or to transfer any refuse from one address to another in the Borough for the purpose of taking

advantage of the Borough's collection service. It shall also be unlawful for any resident to place or deposit refuse for residential collection service which refuse was produced by any professional or business enterprise engaged in by the resident.

Section 110. Separation of Recyclables

Section 110.1. The owners and occupants of all residential properties shall recycle cardboard and paper products, plastics 1-7 and aluminum cans which shall be kept separate from municipal waste for the purpose of recycling.

Section 110.2. Leaf waste may be kept separate from municipal waste, for the purpose of backyard composting or permitted recycling facility. Recyclables shall not be placed in the same garbage can or other container as, or mixed with, municipal waste for collection, removal or disposal.

Section 110.3. Recyclables may be set out for collection in a manner approved by the Borough.

Section 111. Removal of Residential Municipal Waste and Recyclables

Section 111.1. All owners or occupants of residential properties shall use the St. Clair Borough Municipal Sanitation service.

Section 111.2. The St. Clair Borough Council may, at the request of the Borough resident or commercial establishment, be excused from using the Borough's sanitation services.

Section 111.3. The Borough of St. Clair may retain a licensed private hauler to collect municipal waste at curbside or some appropriate location on the premises, designated by the Borough, to be collected at times designated by the private hauler.

Section 111.4. Any owner or occupant of a residential property who arranges to dispose of his or her municipal waste with another who has made arrangements in accordance with this

subsection, must have a written agreement with that other party documenting the arrangement and establishing that the other party is in compliance with the requirements of this Ordinance. The frequency of collecting municipal waste from or by the owners or occupants of residential properties shall be not less than once per week.

Section 111.5. All owners or occupants of residential properties shall dispose of recyclables according to the procedures designated by the Borough of St. Clair

Section 112. Collection by Unauthorized Person

From the time of placement of residentially generated recyclable items for collection in accordance with the terms of this Ordinance, the items shall be and become the property of the Borough. It shall be a violation of this Ordinance for any person unauthorized by the Borough to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

Section 113. Presumption of Ownership of Municipal Waste and Recyclables

The presence of any articles containing a person's name among municipal waste and recyclables shall create a refutable presumption, for purposes of this Ordinance, that said municipal waste or recyclables are, or were, the property of the person whose name is found therein.

Section 114. Authorization of Private Haulers

Section 114.1. It shall be unlawful for any person, except for litter control and/or roadside cleanup personnel, and other persons licensed by the Commonwealth of Pennsylvania as per the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect, haul, or transport municipal waste and

recyclables. All such haulers shall comply with the provisions of Title 27, as well as all Federal, State, County and local laws and regulations to collect and to transport waste of any nature or recyclables within or from the Borough. Authorization to collect, transport and for proper disposition of municipal waste or recyclables for persons other than one's self or for whom one is acting as agent (as defined in this Ordinance) may be given only by the State of Pennsylvania through the issuance of a collector's license.

Section 114.2. Nothing in this Section shall prohibit a duly organized and registered property owners association from assembling municipal waste at a central, accessible location within the confines of its development for ultimate collection as required herein.

Section 115. Registration of Rates

The Borough of St. Clair may establish Sanitation Collection Rates by a resolution which is to be adopted at a regularly scheduled council meeting.

Section 116. Disposal

Each private hauler shall have a valid agreement, not subject to cancellation, covering the use of an appropriate disposal facility in accordance with the Schuylkill County Waste Management Plan, or such other law, as may be applicable which governs the use and maintenance of any such disposal facility.

Section 117. Community Oriented Charitable Activities

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or

similar location for collection by a private hauler. Prior to initiating such activity, the organization shall obtain authorization from the Borough.

Section 118. Illegal to Burn Recyclables (Except for Leaf Waste)

It shall hereafter be illegal to burn recyclables (except for leaf waste which may be burned in a controlled manner in accordance with safe practices provided that such burning does not violate any other regulation by the Borough or any other authority with jurisdiction over the matter, and provided further, that leaf waste be burned only where the composting of leaf waste is not practicable under normal circumstances).

Section 119. Violations and Penalties

Any person who shall violate any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars plus costs. Each day that a violation of this Ordinance continues or each Section of this Ordinance, which shall be found to have been violated, shall constitute a separate offense. For purposes of this Ordinance, the doing of an act or thing prohibited by any provision of this Ordinance or the failure to do any act or thing or to which any provision of this Ordinance creates an affirmative duty shall constitute a violation of this Ordinance, punishable as herein stated.

Section 120. Recycling Coordinator

Section 120.1. The Borough Council shall at the annual organizational meeting in January designate for the following year the appointment of a recycling coordinator.

Section 120.2. The duties of the recycling coordinator shall include but not be limited to the following, (subject to further duties as may be prescribed by Borough Council):

Section 120.2.1. Devising and implementing a residential and business recycling education program.

Section 120.2.2. Arranging for the participation of the Borough in Schuylkill County programs for the recycling of special materials.

Section 120.2.3. Devising and implementing a program to address illegal dumping and littering.

Section 120.2.4. Monitoring participation by owners and occupants of residential, commercial, municipal and community establishments; receiving recycling reports; receiving complaints; and advising Borough Council and the Code Enforcement Officer on issuing warnings and penalties.

Section 121. Construction

The various headings used throughout this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance. In this Ordinance, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

Section 122. Severability

The provisions of this Ordinance are severable, and if any section, clause, sentence, Ordinance or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 123. Repealer


All other Ordinances or Resolutions or any parts thereof, which may conflict with or are inconsistent with this Ordinance are hereby repealed and replaced with this Ordinance.

Section 124. Effective Date

This Ordinance shall become effective immediately.


DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, this 7th day of June, 2016, in lawful session duly assembled.

ST. CLAIR BOROUGH



JAMES D. LARISH
Council President

ATTEST:



ROLAND PRICE, JR.
Borough Secretary

Approved by me this 7th day of June, 2016.



RICHARD E. TOMKO
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL WASTE AND FOR RECYCLING, INCLUDING MANDATORY SOURCE SEPARATION AND SEPARATE COLLECTION OF DESIGNATED RECYCLABLE MATERIALS; PROVIDING FOR THE REGULATION OF COLLECTORS; PROHIBITING THE DISPOSAL OF DESIGNATED RECYCLABLE MATERIALS AND LEAF WASTE WITH MUNICIPAL WASTE; EMPOWERING ST. CLAIR BOROUGH TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREOF; FIXING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND SPECIFICALLY REPEALING AND REPLACING PREVIOUS CONTRADICTORY ORDINANCES.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the _____ day of June 7, 2016.

SEAL



Roland Price, Jr., Secretary
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