BOROUGH OF CHURCHILL

ORDINANCE NO. 740

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 252 ("SOLID WASTE") OF THE CODE OF THE BOROUGH OF CHURCHILL IN ORDER TO REGULATE THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLED MATERIALS IN THE BOROUGH AND TO ADD RELATED DEFINITIONS

WHEREAS, Chapter 252 of the Code of the Borough of Churchill regulates the collection and disposal of solid waste and recycled materials within the Borough of Churchill; and

WHEREAS, the Borough Council of the Borough of Churchill seeks to update its regulations to ensure consistency with the terms of its waste management agreement with the Borough's authorized hauler and to provide for the safe and efficient collection and disposal of solid waste, recycling, hazardous waste and electronic waste generated in the Borough; and

WHEREAS, the Borough Council of the Borough of Churchill desires to reduce and eventually eliminate the entry of recyclable materials into the waste stream to combat the growing problem of waste disposal and its impact on the environment; and

WHEREAS, Borough Council seeks to mandate recycling for all residences, commercial businesses and institutional establishments within the Borough and to promulgate related regulations and definitions; and

WHEREAS, Borough Council has determined that it will further the health, safety and welfare of the residents of the Borough to amend the provisions of Chapter 252 in order to accomplish the above-stated goals.

NOW THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Borough Council of the Borough of Churchill, Allegheny County, Pennsylvania, as follows:

Section 1.

Chapter 252, Article III, Section 252-9 of the Code of the Borough of Churchill shall be deleted in its entirety and replaced by the following:

§252-9. Definitions.

The following words or phrases, when used in this Article, shall have the below meanings ascribed to them:

COMMERCIAL ESTABLISHMENTS

Those properties used primarily for commercial or industrial purposes.

ELECTRONIC WASTE

Includes any household or business item containing circuitry or electrical components with either power or battery supply.

For the purpose of electronic waste pickups, major rubbish and appliances are not considered electronic waste.

GARBAGE

All refuse, animal and vegetable waste resulting from the storage, handling, preparation, and consumption of food only, and shall include the containers in which the basic materials thereof were purchased, excluding the materials and containers designated as recyclables.

HAZARDOUS WASTE

Waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

INSTITUTIONAL ESTABLISHMENTS

Those facilities or organizations, especially of a public character, that house or serve groups of people, including but not limited to hospitals, nursing homes, orphanages, day-care centers, country clubs, schools and universities.

LEAF WASTE

Leaves which naturally fall from deciduous trees during the autumn season.

MAJOR RUBBISH/BULK ITEMS

All major appliances, such as dryers, radios, refrigerators, stoves, washing machines, furniture, mattresses and box springs, rugs and padding, sinks, trunks, and water heaters. This does not include building materials.

Any appliance containing Freon must show a tag certifying that the Freon has been removed.

MINOR RUBBISH

All non-putrescible solid waste whether combustible or not, crockery, rags and waste materials not defined as 'garbage'. The term does not include source separated recyclables or yard waste.

PERSON(S)

Owners, lessees and occupants of residences and commercial, municipal and institutional establishments.

RECYCLABLE MATERIALS

Materials generated within the Borough which are or may be specified by the Borough for collection and processing, which can be separated from municipal solid waste and returned to commerce to be used/reused as a resource in the development of useful products. Recyclable materials designated by the Borough include, but are not necessarily limited to: glass and plastic containers with the Mobius symbol imprinted, aluminum, steel, ferrous and bi-metal containers, clear plastic (PET) and high density polyethylene (HDPE), cartons, including milk, water, juice and soda, black and white newsprint, paperboard, cardboard and phone books. This does not include Styrofoam-even with Mobius symbol imprint, plastic bags or Styrofoam chips. The recyclable materials selected by the Borough may be revised from time to time as deemed necessary by the Borough.

RESIDENCES

Any occupied single- or multifamily dwellings for which the Borough provides municipal waste collection service.

SOLID WASTE

All garbage, refuse, trash, yard waste or minor rubbish collected by a hauler under agreement with, or with the permission of the Borough of Churchill. This does not include recyclable material, hazardous, toxic or electronic waste.

YARD WASTE

Grass cuttings, shrubbery cuttings and clippings, hedge trimmings, weeds, fruit from trees and leaves but not including leaf waste associated with leaves which naturally fall from deciduous trees during the autumn season.

Section 2.

Chapter 252, Article III, Section 252-10 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§252-10. Recyclables.

A. The Borough hereby establishes a recycling program for the mandatory separation and collection of recyclable materials from all residences and all commercial, municipal and institutional establishments located in the Borough. Collection of the recyclable materials shall be made at least once per month by the Borough, its designated agent or any other solid waste haulers operating in the Borough authorized to collect recyclable materials.

B. All persons who are residents of the Borough shall separate all of those recyclable materials designated by the Borough from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection and shall place the same for collection in accordance with the guidelines established hereunder.

(1) Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Borough or its hauler for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Borough or its hauler and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Borough or shall pay the replacement cost of the container(s). The use of recycling containers for any purpose other than the designated recycling program or the use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this Chapter.

(2) An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four (4) units not serviced by the Borough program shall comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, managers and agents of owners, landlords or managers who comply with this Chapter shall not be liable for noncompliance of occupants of their buildings. If recyclable materials are collected by a hauler other than the Borough or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year. This requirement may be fulfilled by the submission of a letter or form from the hauler which certifies that recyclable materials are being collected from the multifamily housing property.

C. Recycling required at commercial, municipal and institutional establishments. Recyclable materials generated at commercial, municipal and institutional establishments shall be separated from solid waste and stored until collection by a licensed hauler of recyclable materials.

(1) If recyclable materials are collected by a hauler other than the Borough or its authorized hauler, occupants of said establishments shall submit an annual report to the Borough from the hauler reporting the type and weight of materials recycled during the previous calendar year. This report shall be due on or before the 1st day of February each year.

(2) All employees, users (patrons) and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should describe the program's features and requirements and should include, at a minimum, an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

D. The Borough may, at its sole discretion, engage its authorized hauler to place a receptacle on Borough property to be used by the public for recycling cardboard materials. Any person who places materials other than cardboard or otherwise violates the conditions established by the Borough for the use of said receptacle shall be subject to the penalties set forth in this Chapter.

Section 3.

Chapter 252, Article III, Section 252-11 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§252-11. Non-collectible items; electronic waste and hazardous waste.

A. Except as provided in §252-11(B), the following items shall not be placed for collection by the Borough's authorized hauler: electronics (list to be maintained at Borough office), ashes, automobiles or automobile parts, tires, bathtubs, building materials, broken concrete, soil, refuse and rubble from construction, alteration or repair of buildings, stones and trees or limbs exceeding three inches (3") in diameter or three feet (3') in length.

B. Collection of designated electronic waste and hazardous waste items shall be made on such days of the week and at such times as shall be determined by the Borough Manager consistent with the Borough's contract with its authorized hauler.

Section 4.

Chapter 252, Article III, Section 252-13 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§252-13. Containers and packaging.

A. Solid waste and recyclables shall be placed at the curbside in bins provided by the Borough or its hauler for collection. Any containers provided to residences for collection of solid waste shall be the property of the Borough or its hauler and shall be used only for the collection of solid waste. Any resident who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Borough or shall pay the replacement cost of the container(s). Solid waste must be bagged in a manner to prevent spillage, odors, fire and health hazards (e.g. attraction and breeding of insects, rodents and the like). Bags shall be plastic of good quality and at least 2 mil in thickness, and shall be tied shut and be able to withstand lifting from the top without breaking.

B. All bins of solid waste, recyclables, leaf waste and yard waste, including Christmas trees, must be placed at the curb no earlier than 6:00 PM on the evening prior to collection. The bins must be removed from the curbside no later than 6:00 PM on the day of collection. At all other times, bins must be kept inside or if kept outside, must be kept in an enclosure which effectively screens the bins from the view of the street and neighbors. Solid waste must be collected from automated bins. The Borough Manager may designate certain times of the year when tagged bags may be placed for collection outside of the bins for an additional fee. These fee-based tags must be obtained from the hauler.

Section 5.

Chapter 252, Article III, Section 252-14 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§252-14. Collection procedures for solid waste.

A. Solid waste shall only be collected from residences whose owners or occupants utilize the bins or carts provided by the Borough's authorized hauler as required for all solid waste generated by those residences.

B. Collection of solid waste shall be made on such days of the week and at such times as shall be determined by the Borough Manager consistent with the Borough's contract with its authorized hauler. The hauler shall employ suitable equipment that will properly confine the solid waste so that such waste will be transported over the streets of the Borough without spillage or littering of the streets.

Section 6.

Chapter 252, Article III, Section 252-15 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§252-15. Collection procedures for major rubbish/bulk items.

Collection of major rubbish/bulk items shall be made on such days of the week and at such times as shall be determined by the Borough Manager consistent with the Borough's contract with its authorized hauler. Each property may place up to two (2) major rubbish/bulk items per month out for collection. A person may contract with the Borough's hauler directly to make arrangements to pay a fee associated with collection of additional major rubbish/bulk items.

Section 7.

Chapter 252, Article III, Section 252-17 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§252-17. Collection procedures for yard waste and leaf waste.

Yard waste, except for leaves, may be placed in securely-tied 2 mil thickness plastic bags and placed in the bin intended for a landfill as part of weekly solid waste collection. Additionally, special collections of yard waste-only and leaf waste-only shall be made on such days of the week and at such times as shall be determined by the Borough Manager consistent with the Borough's contract with its authorized hauler. For the purpose of these special collections, yard waste and leaf waste shall be placed in biodegradable bags and not in plastic bags. The hauler shall employ suitable equipment that will properly confine the leaf waste and yard waste so that such waste will be transported over the streets of the Borough without spillage or littering of the streets.

Section 8. Effective Date / Repealer

This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 9. Severability

If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED this 11th day of December, 2017.

ATTEST:

Secretary

BOROUGH OF CHURCHILL

President of Council

EXAMINED AND APPROVED this 11th day of December, 2017.

BOROUGH OF CHURCHILL

Paul G. Gomrat

Mayor