

**BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 556**

**AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA, PROVIDING FOR THE RECYCLING OF CERTAIN SOLID WASTE MATERIALS; REQUIRING THAT ALL RECYCLING MATERIALS BE CONVEYED TO A PROCESSING OR DISPOSAL FACILITY; REGULATING THE CARE AND REMOVAL OF RECYCLABLES AND PROVIDING FOR THE COLLECTION OF RECYCLABLE MATERIALS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

**WHEREAS**, pursuant to the authority vested in the Borough of Southmont (Borough) by the Pennsylvania Solid Waste Management Act of 1980 (Act 97) and the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101), as amended, the Borough is desirous of enacting an Ordinance regulating the storage, collection and transportation of recyclable materials in the Borough.

**NOW**, Therefore, it is hereby Ordained and Enacted by the Borough Council of the Borough of Southmont, Cambria County, Pennsylvania, as follows:

**Section 1 – Short title.**

This Ordinance shall be known and may be cited as the "Recycling Ordinance of the Borough of Southmont."

**Section 2 – Definitions.**

The following words and phrases, as used in this article, shall have the meanings ascribed to them herein, unless the context clearly indicates a different meaning:

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988).

ALUMINUM — Empty all-aluminum food and beverage containers.

AUTHORIZED COLLECTOR — Any person, firm, partnership, corporation or public agency authorized by the Borough to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments to collect recyclable materials from those properties.

BIMETALLIC CONTAINERS — Empty food or beverage containers consisting of ferrous sides with aluminum top and bottom. A container is bimetallic if a magnet sticks to the sides but not the ends.

**COMMERCIAL ESTABLISHMENT** — Those properties used primarily for commercial or industrial purposes, and those multiple-dwelling residential buildings containing four or more dwelling units.

**COMMUNITY ACTIVITIES** — Events that are sponsored by public or private agencies or individuals, including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

**CORRUGATED PAPER** — Containerboard cartons, Kraft linerboard, and shipping boxes with corrugated paper medium. This definition also includes Kraft (brown) paper bags.

**GLASS CONTAINERS** — Empty bottles and jars made of clear, green or brown glass. This definition does not include noncontainer glass, window glass, blue glass and porcelain, ceramic products and light bulbs.

**HIGH-GRADE OFFICE PAPER** — Printing, writing and computer paper used in commercial, institutional and municipal establishments as well as in residences. This definition includes white paper, white ledger, bond paper, colored ledger, computer printouts, computer tab cards and copy machine paper.

**INSTITUTIONAL ESTABLISHMENT** — Facilities that house or serve groups of people, including, but not limited to, hospitals, nursing homes, skilled nursing facilities, orphanages, day-care centers, schools and colleges.

**LEAD ACID BATTERIES** — Automotive, truck and industrial batteries that contain lead.

**MULTI-FAMILY HOUSING** — Properties having four or more dwelling units per structure.

**MUNICIPAL ESTABLISHMENT** — Public facilities operated by the Borough and other governmental and quasi-governmental agencies.

**MUNICIPAL WASTE** — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source separated recyclable materials or leaf waste.

**MUNICIPALITY** — The Borough of Southmont.

**NEWSPAPERS** — 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.

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

PLASTICS — High-density polyethylene such as plastic containers for milk, container plastics including resealable containers, food containers, household product containers, PETE soda bottles, beverage containers and other plastic products.

RECYCLABLE MATERIALS — Materials generated by residences, commercial, municipal and institutional establishments which are specified by the Borough or by Cambria County to be recycled. Recyclable materials include clear glass, colored glass, aluminum steel and bimetallic containers, high-grade office paper, newspapers, corrugated paper, plastics and any other items selected by the Borough or Cambria County, or specified in amendments to Act 101.

RECYCLING — The collection, separation, recovery and sale and reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than as a fuel for the operation of energy.

RESIDENTIAL ESTABLISHMENT — Any occupied single-family, duplex or multifamily dwelling of three units or less for which a municipal or private hauler collects municipal waste.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Materials that are separated from municipal waste at the point of origin for the purpose of being recycled.

STEEL CONTAINERS — All coated (tin, zinc, etc.) and other empty ferrous food and beverage containers, including allowed materials. This definition also includes ferrous and alloyed ferrous scrap materials derived from iron and stainless steel and white goods (large appliances).

YARD WASTE — Leaves, garden residues, shrubbery and tree trimmings, grass clippings and similar material.

### **Section 3 – Establishment of program.**

The Borough hereby establishes a recycling program for the mandatory separation and collection of Recyclable Materials and the separation and composting of Yard Waste from all Residential Establishments located in the Borough. Recyclable materials shall be collected at such times and dates, at least once per month, as may be hereinafter established by regulation.

### **Section 4 – Separation and collection.**

- A. Persons in Residential Establishments shall separate Recyclable Materials from Yard Waste and other waste. Recyclable materials shall be placed at the curbside or at a site designated by the Borough or Authorized Collector. Recyclable materials shall be

prepared for collection according to Borough or Cambria County guidelines and shall be placed in containers provided by an Authorized Collector.

- (1) All containers provided to residential establishments for Recyclable Materials shall be the property of the Authorized Collector and shall be used only for the storage and collection of Recyclable Materials. Any resident who moves shall be responsible for leaving the container within the residence or shall pay the replacement cost of said container.
  - (2) Use of the allocated recycling container for any purpose other than the recycling program shall be a violation of this article.
- B. An owner, landlord or agent of the owner or landlord of a multifamily housing property with four or more units, Commercial, Institutional, Municipal Establishments and Community Activities are not required to comply with the recycling responsibilities set forth in this Ordinance. The Borough encourages these entities to voluntarily establish a recycling collection program at their property.

#### **Section 5 – Yard wastes.**

All Persons in Residential Establishments Borough shall separate Yard Waste from other waste and Recyclable Materials. Yard Waste will not be collected or removed by the Authorized Collector.

#### **Section 6 – Lead acid batteries.**

No person shall place a used lead acid battery in municipal waste, discard or otherwise dispose of a lead acid battery except by delivery to a designated facility authorized under the laws of Pennsylvania.

#### **Section 7 – Ownership of recyclable materials.**

All recyclable materials, when placed at the curbside, become the property of the Borough until removed by its Authorized Collector, except as provided below:

- A. Any person may donate or sell recyclable materials to individuals or organizations authorized by the Borough. The recyclable materials shall be either delivered to the individual organization's site or may be placed at the curb for collection by said individual or organization. If placed at the curb, the individual or organization shall not collect recyclable materials on days designated as Borough collection days.
- B. Any person who donates or sells recyclable materials shall not receive a discount in waste collection fees paid to his collector.

## **Section 8 – Agreements**

The Borough may enter into an agreement with public or private agencies or firms to authorize said agencies or firms to collect all or part of recyclable materials placed at curbside or at another designated site.

## **Section 9 – Administration and enforcement.**

The Borough Council is authorized by this Ordinance to enact reasonable rules and regulations for the operation and enforcement of this Ordinance, including, but not limited to:

- A. Designating recyclable materials to be separated by residential establishments, and designating additional recyclable materials to be separated by commercial, institutional and municipal establishments.
- B. Establishing collection procedures for recyclable materials.
- C. Establishing reporting procedures for volumes of materials recycled.
- D. Establishing procedures for the distribution, monitoring and collection of recycling containers.
- E. Establishing procedures and rules for the collection of yard waste.
- F. Establishing procedures for the enforcement of the provisions of this Ordinance.

## **Section 10 – Violations and penalties.**

- A. Any Person who shall violate the provisions of this Ordinance and its rules and regulations shall receive an official written warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.
- B. Any Person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25.00 nor more than \$300.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
  - (1) Collection by unauthorized Persons; violation. It shall be a violation of this Ordinance to collect recyclable materials unless such collection firm, person or corporation is authorized by the Borough as provided in this Ordinance. Unauthorized collection of Recyclable Materials from one or more Residential Establishments on one calendar day shall constitute a separate and distinct offense punishable as provided in this section.

- (2) Failure to separate; violation. It shall be a violation of this Ordinance for any Person to mix recyclable materials with other wastes for collection and disposal purposes.

### **Section 11 – Recycling requirements.**

The Borough will require all Persons to recycle the following Recyclable Materials in the following manner:

- A. Plastic containers. All lids must be removed and disposed of separately.
- B. Clear, green and brown bottles and food jars. The lids are to be removed from same and disposed of separately.
- C. All containers are to be cleaned by rinsing out all residue of the original contents.
- D. Newspapers, magazines and other paper products must be kept dry. There will be no recycling of junk mail, writing paper and other similar paper products.

### **Section 12 –Authorized Collectors.**

Authorized Collectors shall comply with the following standards:

- A. All Recyclable Materials collected within the Borough shall be conveyed by the Authorized Collectors to a contractually agreed upon recycling facility permitted by the PADEP.
- B. Any trucks or other vehicles used for the collection and transportation of Recyclable Materials must comply with the requirements of Acts 97 and 101, and any Department regulations adopted pursuant of Act 97 and Act 101.
- C. .All collection vehicles conveying Recyclable Materials shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
- D. Collection vehicles for Recyclable Materials shall be capable of being enclosed or covered to prevent roadside littering and other nuisances.
- E. All Recyclable Materials shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
- F. All collection vehicles shall be operated and maintained in a clean and sanitary condition.

- G. All recycling facilities utilized by the Authorized Collectors must be able to provide to the Borough an annual statement of the tonnage recycled from the Borough.

**Section 13 – Right to review.**

The Borough retains the right at its discretion to review cases involving extraordinary circumstances or imposing extreme economic hardship on individuals or businesses.

**Section 14 – Effective Date.**

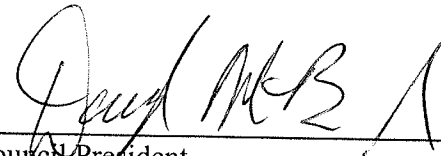
This Ordinance shall take effect immediately upon adoption.

ORDAINED AND ENACTED into an Ordinance this 19<sup>th</sup> day of December, 2025.

ATTEST:

BOROUGH OF SOUTHMONT

  
Secretary

  
Council President