

**BOROUGH OF RIDLEY PARK
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 7 - OF 2015**

AN ORDINANCE OF THE BOROUGH OF RIDLEY PARK, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 164- ENTITLED “RECYCLING”- , ARTICLE I ENTITLED – “RECYCLING PROGRAM”- AND ARTICLE II ENTITLED- “RECYCLING REGULATIONS”- OF THE CODIFIED ORDINANCES OF THE BOROUGH OF RIDLEY PARK, PENNSYLVANIA, AS SUPPLEMENTED AND AMENDED, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the Borough is empowered to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness, and the beauty, convenience, and comfort of the Borough and its residents; and

WHEREAS, pursuant to Title 53, Subsection 4000.101 of the Pennsylvania Statutes, the Borough may adopt resolutions, ordinances, regulations and standards for the recycling, transportation, storage and collection of municipal waste or source-separated recyclable materials.

BE IT ENACTED AND ORDAINED by the Borough of Ridley Park, Delaware County, Pennsylvania, as follows:

Section I- Amendments

CHAPTER 164

ARTICLE I

§164-2 Definitions

“LEAF WASTE”- DELETED in its entirety.

“YARD WASTE”- definition REPEALED and amended to read as follows:

Christmas Trees, leaves from trees, bushes and other plants, garden residues/waste, chipped shrubbery and other tree trimmings and similar yard waste material, but not including grass clippings.

ARTICLE II

Recycling Regulations

§164-12 Residential.

§164-12(A)(1)- REPEALED and amended to read as follows:

Recyclable materials for residential recycling and for dwelling with four or more units.

§164-12(A)(1)(a)- amended to add “magazines” under the heading “Paper.”

§164-12(A)(1)(a)- “Leaf Waste” is DELETED and amended to read: “Yard Waste”

ADD §164(12)(1)(c) as follows:

An owner, landlord or agent of an owner or landlord, of a multifamily rental housing property(ies) with four or more units shall be permitted to comply with its responsibilities under this Chapter by establishing a collection system for recyclables materials at each property. The collection system must included suitable containers for collection, easily accessible locations for the containers and written instruction to occupants concerning the use and availability of the collection system.

§164-12(A)(2)- DELETED in its entirety.

§164-12 (B)(1) -REPEALED and amended to read as follows:

With the exception of Yard Waste, all other Recyclable Materials shall be placed together in a clearly and easily identifiable recycling container or in a clear plastic bag.

§164-12 (B)(2)-DELETED in its entirety.

§164-12 (C)(2) -REPEALED and amended to read as follows:

Each residential property shall ensure Yard Waste is separated from municipal waste. Leaves and Christmas trees may be placed for collection during the municipal leaf and Christmas tree collection program at times determined by the Borough. At all other times all Yard Waste should be placed at the curb in a clearly and easily identified container, bundled, in landscape paper bags or as otherwise determined appropriate by the then current recycling contract.

§164-12(C)(3)-Amended as follows:

Change the frequency of collection from “not less than once (1) per month” to “twice (2) per month.”

§164-12(C)(4)- Amended by deleting the word “behind” and replacing it with the word “at.”

ADD §164-12(C)(6) as follows- No person may place hazardous materials in the mixed municipal Solid Waste or discard otherwise dispose of hazardous materials except in accordance with applicable local, state and federal law. For purposes of this section, hazardous materials shall be those material defined as “Hazardous Waste” by the Delaware County Solid Waste Authority.

§164-12(D)(2)- Amended as follows:

Replace “on or before January 31 of each year” with “at the end of each quarter, March 31st, June 30th, September 30th and December 31st.”

§164-12(E)(1)(c)[1]- Notification-Amended as follows:

Delete “Notification” and replace with “Introduction”

[a]- REPEALED and amended to read as follows:

The following are reasons why a container or bag was not emptied or collected:

- [i] Recyclables were placed in a waste container or were otherwise stored improperly or in an inappropriate container.
- [ii] Recyclables were placed for collection on the wrong day or at the wrong location.
- [iii] Recyclables were not prepared properly.
- [iv] Non-recyclables were in recycling container.

[b]- REPEALED and amended to read as follows:

Any person with a question as to why recyclables where not emptied or collected may direct their inquiry to the then current contract hauler or Borough Code Enforcement.

§164-12(E)(1)(c)[2]- Warning- Amended as follows:

Add “Notification/” before “Warning.”

[a]- REPEALED and amended to read as follows:

Initial violation notices and subsequent offense warnings, which shall indicate why the recyclables where not emptied or collected, shall be tagged by either the Borough Code Enforcement Officer or by the then current contact hauler. The warning(s) shall be completed and submitted to the Borough Secretary within 48 hours of the violation. The Borough, upon receipt of the warning(s), shall correspond with the property owner by registered mail. The correspondence shall repeat the reason for the warning(s), include a statement of penalties found in the Borough Recycling ordinance, and provide a copy of the most recent recycling program notice and instruction sheet, or notice of where said instruction sheet may be found.

§164-12(E)(2)-Incentives- Amended to read as follows:

Incentives to encourage recycling are a requirement of Act 101. The recycling program has the 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 savings passed on to users of the waste system.

(a)-DELETED in its entirety

(b) DELETED in its entirety

§164-12(E)(3)-Penalties

(b)- Amended to read as follows:

Add as the last sentence: Any person, firm, corporation or other entity upon conviction thereof shall in addition to paying any fine imposed hereunder, shall be responsible for paying the Borough's costs of prosecution, including reasonable attorney's fees.

§164-12(F)(1)- Mailer- Amended as follows:

Delete "Mailer" and replace with "Dissemination of Information"

(a)- REPEALED and amended to read as follows:

The Borough will disseminate information to the residents by mail, email, the borough website, or by other similar means deemed appropriate by the Borough. The information will contain access to articles about the recycling program, its status, success, progress and the responsibilities of residents. The information will form the basis for notifying each resident of the recycling program.

(b) REPEALED and replaced with the language in subsection (c)

(c) DELETED in its entirety.

§164-12(F)(2) -REPEALDED and amended to read as follows:

Recycling containers. All residents of the Borough shall place, for pick up and storage, all recyclables into a clearly and easily identifiable recycling container or clear plastic bag.

§164-12(F)(3)- REPEALED and amended to read as follows:

Recycling Posters. The Borough shall distribute recycling posters to multifamily residential buildings. The poster will contain information about the municipal recycling program. The landlord shall use the large space provided for on the poster to provide information about the recycling program to the tenants. The landlord shall place the poster in an area the landlord has established as a common point for the collection of recyclables.

§164-13(D)(2)- Amended as follows:
Delete “multifamily residential” from the first sentence.

§164-13(E(2)(a)- Amended as follows:
Add as the last sentence: Any person, firm, corporation or other entity upon conviction thereof shall in addition to paying any fine imposed hereunder, shall be responsible for paying the Borough’s costs of prosecution, including reasonable attorney’s fees.

Section II- Severability.

If any provision, sentence clause, section, or any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted has such unconstitutional, illegal, or invalid provision, sentence, clauses, section or part thereof not have been included herein

Section III- Effective Date

This Ordinance shall be effective immediately

ENACTED and **ORDAINED** on this 17th day of FEBRUARY, 2015

BY: Bob Berger
Bob Berger
Borough Council President

Christine Adams
Attest:
Borough Secretary

(SEAL)

Approved this 17th day of FEBRUARY, 2015

Henry A. Eberle, Jr.
Henry A. Eberle, Jr.
Mayor