

BOROUGH OF ALBURTIS

ORDINANCE NO. 273

AN ORDINANCE REGULATING THE USE OF RECYCLING CONTAINERS; PROHIBITING THE REMOVAL OR DISRUPTION OF SAID CONTAINERS; AND FURTHER PROHIBITING THE ACTS OF SCAVENGING OR REMOVAL OF WASTE COLLECTED AND/OR SET OUT FOR COLLECTION IN CONNECTION WITH RECYCLING OPERATIONS WITHOUT PROPER AUTHORITY, DECLARING SUCH ACTIVITY TO CONSTITUTE DISORDERLY CONDUCT AND PRESCRIBING PENALTIES AND FINES FOR VIOLATIONS.

WHEREAS, the Council of the Borough of Alburtis is cognizant of the fact that waste reduction and recycling are preferable to the processing or disposal of municipal waste; that recycling has become an environmental imperative; and that recent legislation in the Commonwealth of Pennsylvania has encouraged the initiation of a program for mandatory recycling in the near future; and

WHEREAS, the Borough of Alburtis has embarked on a voluntary program of recycling through curbside and collection point pickup of segregated glass, newspaper and aluminum products, and has provided containers for the easy separation and storage of these items and any other item designated by Council; and

WHEREAS, the Council is aware that the success and viability of a recycling program are dependent upon the availability and use of standardized collection practices and uniform containers to enable separation and pickup; and

WHEREAS, the Council is aware that the recycling program will not be successful if the containers provided are destroyed or stolen, or if persons remove separated recyclables from containers before Borough authorized collection vehicles can pick up the material.

NOW, THEREFORE, be it ENACTED and ORDAINED by the Council of the Borough of Alburtis as follows:

Section 1. Definitions. For purposes of this Ordinance, the following terms shall have the meanings respectively ascribed to them in this Section:

"Authorized Collection" shall mean the collection of recyclable materials by a person, company or service which has a prior agreement, contract or arrangement for removal of recyclable waste as a part of the recycling plan of the Borough of Alburtis.

"Container" shall mean the containers issued or approved by the Borough or any other container used for the purpose of collecting, storing and placing recyclables at the curbside for authorized collection.

"Person" shall mean any individual, partnership, corporation, association, institution, cooperative enterprise or any unauthorized municipal entity. For purposes 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.

"Public Property" shall mean property owned or leased by the Borough of Alburtis, the County of Lehigh, the Commonwealth of Pennsylvania or the federal government.

"Scavenging" shall mean the act or practice of removing, taking, scattering or disturbing recyclable materials which have been collected and assembled in containers, whether stored on private or public property or placed by a roadway or curb for collection.

Section 2. Prohibited Conduct. It shall be unlawful and shall be deemed disorderly conduct for any person as defined above to scavenge, remove, take, scatter or disturb recyclable materials which have been collected and assembled in containers, whether stored on private or public property or placed by a roadway or curb for collection. "Scavenging" shall not include the collection or picking up of scattered trash or debris, whether or not recyclable, from roadsides or public property with the intent of properly disposing of or recycling said waste.

It shall also be unlawful and shall be deemed disorderly conduct for any person as defined above to damage, take, remove, deface or use for purposes other than approved recycling storage and collection any container, bucket or other device issued or

approved by the Borough and/or the County of Lehigh as a part of any recycling program, pilot program or effort.

Section 3. Penalty for Violation. Any person who violates or fails to comply with any provision of this Ordinance, or whose actions constitute disorderly conduct thereunder, shall, upon conviction thereof, be sentenced to pay a fine or penalty not to exceed Six Hundred Dollars (\$600.00), and, in default thereof, to undergo imprisonment for a term not to exceed ten (10) days.

Provided, any act prohibited by this Ordinance which can also be prosecuted under any provision in the laws of the Commonwealth of Pennsylvania shall be considered a violation of the applicable State law and shall be prosecuted under such law and not under this Ordinance.

Section 4. Severability. In the event that any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such defect shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of the Borough of Alburtis that this Ordinance would have been adopted in substantially the same form had such invalid clause, section or part thereof not been included herein.

ORDAINED and ENACTED this 11 day of October , 1989,
by the Council of the Borough of Alburtis in lawful session duly
assembled.

ATTEST:

Louise Staub
LOUISE STAUB, Secretary

COUNCIL OF THE
BOROUGH OF ALBURTIS

BY: *Carlton R. Raines*
CARLTON R. RAINES, President

DATE: 10-11-89

(SEAL)

AND NOW, to wit, this 11 day of October , 1989, the
above is approved.

Scott Stoneback
SCOTT STONEBACK, Mayor