

ARTICLE 933

Recycling

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CROSS REFERENCES

Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).

933.01 DEFINITIONS

As used in this article:

"Aluminum Cans" - aluminum food and beverage containers that contain aerosol or edible substances.

"Brown Paper Bags" - paper bags (eg: grocery bags) made of brown craft paper.

"City" - the City of Bethlehem, Counties of Northampton and Lehigh, Pennsylvania, a Pennsylvania Municipal Corporation or agency of the City of Bethlehem

"City Recycling Containers" - a receptacle owned by the City which is provided for use of residents for storing designated recyclables and which bears identifying information as designated by the City. This includes both curbside containers and roll-off containers owned by the City.

"Commercial Establishment" - an establishment engaged in business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

"Composting" - the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

"Container" - a portable device in which material is held for storage or transportation

"Corrugated Cardboard" - cardboard with a wavy center between two layers.

"Curbside Collection" - collection of designated recyclables from provided containers that are placed at the curb or otherwise immediately adjacent to the street or road that is the street address of the residence and/or that runs along the front entrance of the building.

"Flatboard" - brown or gray flat cardboard (eg: cereal boxes).

"Formed Aluminum Containers" - any shaped aluminum food container other than beverage cans (eg: pie pans). This includes aluminum foil.

"Glass Containers" - glass food and beverage containers commonly found in the home. Includes clear (flint), green and brown (amber) colored containers. Excludes crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.

"Institutional Establishment" - an establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

"Leaf Waste" - leaves.

"Magazines/Shiny Paper" - periodicals, catalogs and other paper with a glossy finish.

"Mixed Office Paper" - A mixture of non-shiny papers commonly found in the typical office or home. This mixture includes but is not limited to high grade paper, envelopes, writing paper, fax paper, manila folders, copier paper, non-shiny junk mail, etc.

"Multi-Family Rental Dwelling" - a dwelling place containing four or more rental residential units.

"Municipal Establishment" - an establishment such as a city, borough, incorporated town, township, county or an authority created by any of the foregoing.

"Municipal Waste" - garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

"Newsprint" - the paper commonly known as newsprint used for printing of newspaper and any white or colored inserts made of other paper, that are delivered along with the newspaper, but excluding soiled newspaper. Magazines and periodicals, as well as all other paper products, are not newspaper.

"Person" - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or Department of General Services and the State Public School Building Authority - or any other legal entity which is recognized by law as the subject of rights and duties. In the provisions of this article pertaining to a fine or a penalty, the term includes the officers and directors of a corporation or other legal entity having officers and directors.

"Plastic Containers" - water and milk jugs, soda bottles, cosmetics and laundry product containers, fruit and juice containers. All containers with a 1-7 number except Styrofoam.

"Processing" - any manual and/or mechanical means used to separate commingled recyclables into individual components that can be more readily marketed. This includes either single or dual stream processing.

"Recycling" - the collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other items which would otherwise be disposed or processed as municipal waste.

"Residential Dwelling" - a structure containing less than four dwelling units.

"Single Stream" - a recycling method whereby all designated recyclables are collected together and separated at a Materials Recovery Facility.

"Solid Waste" - waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

"Source Separation" or "Separation" - the collection and segregation by residents and businesses of designated recyclables from municipal waste for the sole purpose of recycling these items.

"Steel Cans" - tin-plated steel cans commonly known as "tin cans" and bi-metal (aluminum and steel) beverage cans and aerosol containers for food and beverages and personal care products consisting primarily of steel. Excludes cans which contain toxic substances.

"Telephone Books" - books with listings of telephone numbers and addresses.

"Yard Waste" - leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

933.02 **DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO
REGULATE RECYCLING**

The Director of Community and Economic Development or his designee shall be empowered to develop rules and regulations necessary to implement the intent of this ordinance which shall be published and made available at City Hall. Any violation of the rules and regulations shall be deemed a violation of this ordinance. The Director of Community and Economic Development or his individual designee shall be empowered to enforce this ordinance and the rules and regulations developed hereunder.

933.03 COLLECTION PROGRAM

The City shall provide for the collection of designated commingled recyclables from any and all residences, including, but not limited to, single family dwellings, multi-family dwellings, condominiums, and apartment complexes, at times set forth by the City of Bethlehem. At no time will the collection of these recyclables occur less frequently than once every two weeks, unless a collection day falls on a holiday recognized by the City of Bethlehem or in the case of inclement weather. Collection will take place between the hours of 6:00 am and 6:00 pm. The City will provide for collection of leaf waste at reasonable intervals. The City will provide for the collection of yard waste twice a year.

933.04 RESIDENTIAL SOURCE SEPARATION

(a) All residents of the City shall separate all residential designated recyclables as set forth in this Ordinance from municipal waste generated at their residence, and shall store them until collection. These recyclables will be placed together at the curbside or similar location on the day of collection in a container provided by the City or any other open, rigid, waterproof container of not more than 30 gallons capacity. A container, other than one provided by the City, must be clearly marked “recycling”. The City will provide two containers, one for commingled, glass, cans and plastic, and another container (with lid) for paper products.

(b) Residential designated recyclables for this program shall consist of the following items:

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|----------------------------|----------------------------------|
| clear glass containers | cardboard |
| colored glass containers | flatboard |
| aluminum cans | mixed office paper |
| steel cans | magazines, catalogs, shiny paper |
| plastic containers | |
| (#1-7 - except Styrofoam) | newsprint |
| aerosol containers | telephone books |
| formed aluminum containers | wrapping paper |
| aluminum foil | brown paper bags |
| leaf waste | |

(c) These designated recyclables must be prepared in the following manner:

- (1) The following items shall be empty, rinsed free of contents, and placed in one container:
- (i) Glass food and beverage containers;
 - (ii) Plastic containers;
 - (iii) Aluminum cans;
 - (iv) Formed Aluminum containers;
 - (v) Steel cans;
 - (vi) Aerosol cans

- (2) The following items shall be placed in a separate container from those described in subsection (c)(1) above and shall have a lid placed on the container:
- (i) Corrugated cardboard (OCC);
 - (ii) Flat board;
 - (iii) Magazines (OMG);
 - (iv) Catalogs;
 - (v) Shiny paper;
 - (vi) Wrapping paper;
 - (vii) Mixed office paper;
 - (viii) Newsprint (ONP);
 - (ix) Telephone books;
 - (x) Brown Paper Bags
- OCC that will not fit in the container must be flattened and bundled by string and placed on the ground next to the containers.
- (3) The commingled materials listed in Subsection (c)(1) shall not be placed in the same container as the paper products listed in Subsection (c)(2).
- (4) Materials not meeting the definition of residential designated recyclables will not be collected.
- (5) Containers shall be placed on the curb no earlier than 6:00 pm the night before the designated collection day and must be removed from the curb no later than 8:00 pm the day of collection.
- (6) Such other requirements developed from time to time and adopted as Rules and Regulations.
- (d) All residents shall separate leaf waste from other municipal waste. Leaf waste shall be placed loose in the street near the curb for municipal collection on designated days. Leaf waste may also be placed near the curb in open biodegradable bags available from the City. Residents should contact the Department of Public Works to arrange for the collection of leaf waste in open, biodegradable bags. Leaf waste may also be taken to the City's yard waste facility.
- (e) The City will provide for the collection of yard waste twice per year. Yard waste may also be taken to the City's yard waste facility.

933.05 MULTI-FAMILY RENTAL DWELLING SOURCE SEPARATION

- (a) All residents of Multi-Family Rental dwellings shall separate all residential designated recyclables as set forth in this Ordinance from municipal waste generated at their residence and shall store such recyclables separate from municipal waste until collection as discussed in Section 933.05(b).
- (b) These residential designated recyclables must be prepared in the following manner:
 - (1) Glass food and beverage containers, plastic containers, aluminum cans, formed aluminum containers and steel cans shall be rinsed free of contents. Aerosol containers must be empty. These recyclables will be taken to the designated recycling area(s) in the complex.
 - (2) Corrugated cardboard (OCC), flatboard, magazines (OMG), catalogs, shiny paper, wrapping paper, mixed office paper (MOP), newsprint (ONP), telephone books, and brown paper bags. These recyclables will be taken to the designated recycling area(s) in the complex.
 - (3) Materials not meeting the definition of residential designated recyclables will not be picked up for collection.
 - (4) Such other requirements as developed from time to time and adopted as Rules and Regulations.
- (c) Owners or landlords of any multi-family rental housing property must provide larger containers for the storage of paper products listed in Section 933.04(c)(2) and larger containers for the storage of commingled items listed in Section 933.04(c)(1) at one or more central locations within the residential development. These containers will be at the landlord's cost and will have attached to them tags, stickers or other devices to identify the containers for collection by the Contractor. It is the landlord's or owner's responsibility to insure the collection system includes proper and adequate containers for collecting, sorting, and storing recyclables in easily accessible locations, and written instructions to each occupant concerning the use and availability of the collection system.
- (d) Multi-Family Rental Dwellings shall separate leaf waste from other municipal waste. Leaf Waste from multi-family complexes will not be placed in the street. The owner, landlord must make arrangements to transport the leaf waste to the City's yard waste facility.
- (e) When an owner or landlord contracts with a private hauler to recycle source-separated recyclables, said person must annually provide proper written documentation of this recycling to the City of Bethlehem Recycling Bureau. These reports are due to the Recycling Bureau by January 30 of each year.

Such written documentation will be on a form provided by the City or on Company letterhead and will include the hauler's name and the types (commingled/paper products) and weights of the items recycled.

933.06 COMMERCIAL, MUNICIPAL OR INSTITUTIONAL ESTABLISHMENTS

- (a) All persons shall separate the designated recyclables generated at commercial, municipal or institutional establishments and from community activities held on public property. Such persons are responsible to arrange for collection of the designated recyclables and delivery to facilities that recycle these items.
- (b) Designated recyclables for commercial, municipal or institutional establishments, and community activities held on public property consist of the following items:

- Newsprint
- Flatboard
- Magazines/Shiny paper
- Mixed office paper
- Corrugated cardboard
- Aluminum cans
- Leaf waste

In addition, all licensed retail food establishments and eating and drinking establishments are required to separate the following designated recyclables as set forth in this ordinance from municipal waste generated at their establishments and shall store such items until collection. Designated recyclables for licensed food establishments and eating and drinking establishments shall consist of the following items:

- Clear Glass Containers
- Colored Glass Containers
- Aluminum Cans
- Steel Cans
- Plastics #1-7 (except for Styrofoam)
- Newsprint
- Flatboard
- Corrugated cardboard
- Leaf waste

These designated recyclables listed in this Subsection must be prepared in the following manner:

- (1) Glass food and beverage containers, plastic containers, aluminum cans, and steel cans shall be rinsed free of contents and placed in one container.
- (2) Corrugated cardboard, flatboard, newsprint, mixed office paper, and magazines/shiny paper, must be stored so as to keep the material clean and dry and will be placed in a separate container.

- (3) Such other requirements as developed from time to time and adopted s Rules and Regulations.
- (c) An owner or landlord of commercial, municipal, institutional properties will comply with these requirements by establishing a collection system for recyclables at each property. It is the landlord's or owner's responsibility to insure the collection system includes proper and adequate containers for collecting, sorting, and storing recyclables, easily accessible locations for the containers, and written instructions to each occupant concerning the use and availability of the collection system. In doing such, the management will observe rules and regulations developed by the Director of Community and Economic Development or his designee which define minimum standards for such systems.
- (d) All commercial, municipal, and institutional establishments shall separate leaf waste from other municipal waste. Leaf waste from these establishments will not be placed in the street. The owner or landlord must make arrangements to transport leaf waste to the City yard waste facility.
- (e) When a person contracts with a private hauler to recycle source separated recyclables, said person must provide proper written documentation of this recycling to the City of Bethlehem Recycling Bureau. Such written documentation will be on a form provided by the City or on company letterhead, and will include the hauler's name, and the types (commingled/paper products) and weights of the items recycled. These reports are due to the City Recycling Bureau on an annual basis. These reports are due to the Recycling Bureau by January 30 of each year.

933.07 HAULER, VENDOR/BROKER/PACKER/PROCESSOR
REQUIREMENTS

Any hauler, vendor/broker/packer/processor referenced in this Article shall on an annual basis provide the City an accurate list of the customers serviced (or have a copy on file for review by the City and State), and will also provide an annual report detailing the total number of tons recycled for their customers by commodity. Weight slips and names of brokers may be required to substantiate this documentation. These reports are due to the City Recycling Bureau by January 30 of each year.

It is the hauler's responsibility to deliver source separated recyclables to a facility where they will be recycled.

933.08 UNLAWFUL ACTIVITIES

It shall be unlawful for:

- (a) any persons, other than those persons specifically authorized by the City, to take or

collect any designated recyclable which has been placed in City recycling containers at the curbside or drop-off location for collection;

- (b) any person to place or cause to be placed, any material other than a designated recyclable in recycling containers;
- (c) any person to use containers provided by the City for storing recyclables for other purposes or to sell, intentionally damage or otherwise misuse containers
- (d) any person to place designated recyclables in container with trash or garbage intended for waste disposal.
- (e) any person to hinder, to obstruct, to prevent or to interfere with the City or any other authorized persons in the performance of any duty under this Ordinance.
- (f) any person to knowingly or intentionally deposit, to cause to be deposited, or to assist in depositing in a landfill, incinerator, or other waste facility any designated recyclables generated in the City.
- (g) any hauler to provide service wherein designated recyclables mixed with trash.
- (h) any person to violate or to assist in the violation of any provision of this Ordinance.

933.09 EFFECTIVE DATE

The effective date of this Article shall be January 7, 2009.

933.10 FEES SCHEDULE

- (a) Fees for collection of recyclables as mandated in this Article shall be in accordance with Annex A which is incorporated herein and made a part hereof.
- (b) Failure to pay the fees established by this Article by the due date shall result in the assessment of a penalty of ten (10%) percent of the fee owed by the obligated party.

ANNEX A - Recycling Fees

Single Family Residential Units	\$90.00/yr.
Multi-Family Residential Units	\$90.00/unit/yr.
Condominium Associations	\$90.00/unit/yr.

(Ord. 3863. Passed 1/20/98; Ord. 4235. Passed 12/16/03; Ord. 4466. Passed 12/18/07; Ord. 2008-43. Passed 12/16/08; Ord. 2010-36. Passed 12/21/10. Ord. 2016-01. Passed 1/4/2016. Passed 12/6/22; Ord. 2022-26.)

933.99 PENALTIES

Any person who violates any provision of this Article shall be subject to the following penalties:

- (1) First Violation - a fine of \$100.00 or thirty days imprisonment, or both;
- (2) Second Violation - A fine of \$250.00, or sixty days imprisonment, or both;
- (3) Third Violation - A fine of \$500.00, or ninety days imprisonment, or both;
- (4) Fourth and Each Subsequent Violation - A fine of \$1,000, or ninety days imprisonment, or both.

(Ord. 3821. Passed 6/3/97.)