File #: 2008-0830, **Version:** 2

Title
Amending and supplementing the Pittsburgh Code of Ordinances, Title Six: Conduct; Article I: Regulated Rights and Actions; Chapter 619: Refuse Collection and Recycling, by adding a new Section 619.13 Responsibilities of Landlord and Tenant, requiring the Landlord to inform the Tenant of City requirements for storage, disposal, and recycling of refuse; Re-numbering subsequent Sections; and Amending the new Section 619.15 Violation and Penalty, by increasing the fine for an initial offense from $15.00 to $50.00.

Body
Whereas, the City of Pittsburgh has determined that numerous tenants, City-wide, are disposing of refuse in a way that encourages vermin, and disposing of recyclables instead of placing them in the recyclable material stream; and

Whereas, the City of Pittsburgh is also concerned with the effect of these actions in creating a negative impact on public health, and on the visual beauty of our neighborhoods; and

Whereas, the City of Pittsburgh seeks to improve the compliance of City tenants with refuse and recycling ordinances, and thereby improve public health and the beauty of the City; and

Whereas, the City of Pittsburgh has found that educational and informational programs can have a significant effect on behavior, and serve as support for enforcement of existing laws; and

Whereas, legislation is needed to ensure that tenants of single family dwellings and small apartment buildings know their legal responsibilities as to waste storage, disposal and recycling; and

Whereas such legislation would be moot as to tenants of larger buildings, since private haulers, and not the City, dispose of their waste.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title Six: Conduct; Article I: Regulated Rights and Actions; Chapter 619: Refuse Collection and Recycling, is hereby amended and supplemented as follows:

CHAPTER 619: REFUSE COLLECTION AND RECYCLING
§ 619.01 Definitions

§ 619.02 Municipal waste to be collected by city
§ 619.03 Municipal waste storage, collection and receptacles
§ 619.04 Accumulation of municipal waste
§ 619.05 Separation of recyclable materials from municipal waste
§ 619.06 Collection of recyclable materials
§ 619.07 Ownership of recyclable materials
§ 619.08 Collection of recyclable materials by unauthorized persons
§ 619.09 Disposition of recyclable materials following collection
§ 619.10 City procurement of recycled products
§ 619.11 Leaf waste
§ 619.12 Household hazardous wastes, tires and lead acid batteries
§ 619.13 Responsibilities of Landlord and Tenant
§ 619.13 619.14 Administration and enforcement
§ 619.14 619.15 Violation and penalty
§ 619.15 619.16 Incentives
§ 619.16 619.17 Administrative review

§ 619.13 Responsibilities of Landlord and Tenant

(a) The owner of rental property located in the City of Pittsburgh (Landlord) shall provide to Tenant a document in substantial compliance with "Exhibit A" attached, specifying the requirements, stated in § 619.03, § 619.04, § 619.05, and § 619.11 that the tenant shall meet as to the storage and disposal of refuse, recyclables, and yard debris, and the legal penalties for violation of those requirements. Such document shall be signed by the tenant indicating agreement to abide by the requirements. For purposes of this provision, "rental property" shall include single family dwellings and small apartment buildings as defined in this Chapter.

(b) This document, completed, initialed, and signed by the Landlord and the Tenant, shall be provided to the City as an additional Permit Registration Form in accordance with City Code Section 781.03 (a).

(c) It is the intent of this section that the landlord shall review each requirement with the tenant, and the tenant shall initial each requirement indicating the requirement was explained by the landlord, and further indicating a commitment to abide by the requirement.

(d) In the event that the tenant is out of compliance with City regulations governing trash storage, disposal, and recycling, then the City shall issue a citation against the landlord of the property.

§ 619.15 Violation and Penalty.

Except as otherwise provided below, any person violating the provisions of this Chapter or any regulation promulgated hereunder shall be fined a minimum of **[** fifteen dollars ($15.00) **]** **Fifty dollars ($50.00)** plus court costs for an initial violation and up to five hundred dollars ($500.00) plus court costs for each additional violation. Any owner of a multi-family dwelling six (6) units or larger violating this Chapter or any regulations promulgated hereunder shall be fined a minimum of one hundred dollars ($100.00) plus court costs for an initial violation and up to five hundred dollars ($500.00) plus court costs for each additional violation. Any commercial, institutional or municipal establishment violating this Chapter or any regulations promulgated hereunder shall be fined up to one thousand dollars ($1,000.00) plus court costs for an initial violation and up to five thousand dollars ($5,000.00) plus court costs for each additional violation. Each day the violation continues shall constitute a separate violation.

Section 2. That Exhibit A, *Waste Disposal and Recycling Fact Sheet for Rental Properties (applies only to properties that have fewer than 6 dwelling units)*, shall be made accessible to the public by the Pittsburgh Department of Public Works website.

EXHIBIT A
Sample Document attached below

It is intended that this form will be available to the public from the Pittsburgh Department of Public Works website.

Waste Disposal and Recycling Fact Sheet for Rental Properties
(applies only to properties that have fewer than 6 dwelling units)

1. Waste Disposal and Recycling Fact Sheet dated _____
   Between _____(landlord) and _____(tenant)
   Regarding property at (address)_____

2. By signature at the end of this document, Landlord agrees to, and has, explained to the tenant each paragraph of the below information regarding waste disposal and recycling at the property location identified in paragraph 1 above.

3. By signature at the end of this document, Tenant agrees to abide by each of the regulations described in each paragraph of the below information, and other City regulations distributed to the public by the Department of Public Works in the annual schedule regarding refuse, recycling, yard debris and other material.

Specific City of Pittsburgh Regulations regarding Refuse and Recycling
to be presented by Landlord to Tenant

Refuse is picked up by the City on _____(day) each week. Refuse can only be stored in plastic bags, and placed in trash cans, with lids, no larger than 35 gallons, at an off-street location designated by the landlord. Storage trash cans can only be stored on the landlord's property. Tenant may not place refuse on vacant lots beside, in front of, or in back of landlord's properties.

Initials of Landlord____
Initials of Tenant____

Storage trash cans are to be transferred from their storage location to curbside after 7PM on the day before City collection day, and not after 6 AM on City collection day. This includes returning trash cans to their storage locations by 9 PM on collection day.

Initials of Landlord____
Initials of Tenant____

Two large bulk items such as furniture and appliances may be placed at curbside for collection each week. Bulk items must be placed at curbside after 7PM the day before City collection day, and not after 6 AM on City collection day.

Initials of Landlord____
Initials of Tenant____

Recyclables are picked up by the City on refuse collection day, every other week, according to the schedule published by the Department of Public Works. The schedule identifies the manner in which the items are to be packaged.

Initials of Landlord____
Initials of Tenant____

Recyclable glass, plastic (1 through 5), and metal are not to be sorted and are to be placed in blue plastic (grocery store) bags, and placed at curbside after 7PM the day before City recycling collection day, and not after 6 AM on City recycling collection day.

Initials of Landlord____
Initials of Tenant____

Beginnin January 1, 2009, newspapers, corrugated cardboard (dry and flat), magazines, catalogs, paperboard, white office paper, junk mail, hardcover books, phone books are to be placed in blue plastic bags, and placed at curbside after 7PM the day before City collection day, and not after 6 AM on City collection day.

Initials of Landlord____
Initials of Tenant____

Yard debris is to be placed in separate bags and taken to City Drop-Off locations specified by the Department of Public Works.

Initials of Landlord____
Initials of Tenant____

Tires (2 at a time, no rims), scrap metal, and Freon appliances are to be dropped off at Drop-off Centers as specified by the Department of Public Works.

Initials of Landlord____
Initials of Tenant____

Penalties for violation of refuse/recyclables/yard debris are:

- $50 plus court costs for the first violation
- up to $500 plus court costs for each additional violation

Initials of Landlord____
Initials of Tenant____

Collection day and other regulations are specified by the Department of Public Works in an annual schedule that is distributed early in each calendar year. Information can also be found at www.city.pittsburgh.pa.us/pw <http://www.city.pittsburgh.pa.us/pw> or by calling 412-255-2773.

Governing sections of the Pittsburgh City Code include:

§ 619.03 MUNICIPAL WASTE STORAGE, COLLECTION AND RECEPTACLES.

(a) Residents of single-family dwellings and small apartment buildings shall store municipal waste in the manner prescribed by Waste Regulations issued by the Director of the Department of Environmental Services.

§ 619.04 ACCUMULATION OF MUNICIPAL WASTE.

(a) No owner, lessee or occupant of any building shall permit the accumulation of any municipal waste, recyclable materials, bulky rubbish, dirt or other refuse or debris on any sidewalk or street abutting such building, or in yards or vacant ground forming part of the premises.

§ 619.05 SEPARATION OF RECYCLABLE MATERIALS FROM MUNICIPAL WASTE.

(a) Single-Family Dwellings and Small Apartment Buildings. Persons shall separate all recyclable materials from municipal waste generated at single family dwelling and small apartment buildings and shall store the materials until they are collected for recycling in accordance with Waste Regulations issued by the Director of the Department of Environmental Services. The Director shall designate in Waste Regulations the materials generated at single family dwelling and small apartment buildings that shall be recycled. The Director is authorized to amend at his or her discretion the designation in the Waste Regulations of materials to be recycled.

§ 619.11 LEAF WASTE.

(a) *Separation from municipal waste.* Persons shall separate all leaf waste from municipal waste and store leaf waste until collection, unless those persons have otherwise provided for the composting of leaf waste.

§ 619.145 VIOLATION AND PENALTY.

Except as otherwise provided below, any person violating the provisions of this Chapter or any regulation promulgated hereunder shall be fined a minimum of **[** fifteen dollars ($15.00) **]** Fifty dollars ($50.00) plus court costs for an initial violation and up to five hundred dollars ($500.00) plus court costs for each additional violation.

_____	_____
Signature of Landlord	Signature of Tenant
_____	_____
Print name of Landlord	Print name of Tenant
_____	_____
Date	Date

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