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Title: Ordinance supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by adding language relative to the regulation of recycling in the City of Pittsburgh.

Sponsors: William Peduto

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11/23/2009	1	Committee on Public Works	Held in Committee	Pass
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10/27/2009	1	City Council	Read and referred	

Ordinance supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by adding language relative to the regulation of recycling in the City of Pittsburgh.

The Council of the City of Pittsburgh hereby enacts as follows:

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

Chapter 619 REFRUSE COLLECTION AND RECYCLING

§ 619.04A RECYCLING CONTAINERS

(a) Prohibited Conduct. No owner, lessee or occupant of any building or commercial establishment or private agency shall dispose of recyclable materials including but not limited to paper, corrugated paper, mixed paper, or aluminum containers, metallic containers, plastic containers, or glass containers, or any other type of recyclable item in public refuse containers, or in private refuse containers located on private property whether collected by the City of Pittsburgh Refuse Collectors or private refuse collectors.

(b) A separate container for recyclable materials may be provided by the City of Pittsburgh at the expense of the owner, lessee or the occupant of any building, except in commercial establishments, institutional

establishments, municipal establishments or apartment building rental dwellings of more than four (4) residential units for which the landlord or owner of such residence shall provide all necessary and adequate recycling containers.

(c) For municipal recycling pickup an owner, lessee or occupant of any building may instead provide his/her own container not to exceed a maximum refuse container capacity of thirty-five (35) gallons.

(1) All containers shall be marked with a City-approved Green Recycling sticker.

(2) Such stickers shall be provided at the expense of owners, lessors or occupants of any building. The cost of Green Recycling stickers shall not exceed the cost paid by the City of Pittsburgh to acquire or produce the stickers.

(3) No container used for recycling shall be emptied by the City unless the exterior of such container is marked with the required Green Recycling Sticker.

(4) Failure to mark recycling containers is a violation of this section.

(5) Exemptions shall apply to this section only for commercial and municipal refuse and recycling operators.

(d) All recyclable materials shall be cleaned and free from contaminants.

(e) All municipal, institutional and commercial establishments shall have recycling containers on all floors that are occupied by tenants, employees, or the general public. The number of containers required shall be determined by the Director of the Department of Environmental Services.

(1) Individuals working in Municipal buildings shall be responsible for recycling, and may be fined as an individual for failing to follow recycling laws. Anyone who fails to recycle shall be in violation of both city and state recycling laws and shall be subject to the following penalties.

(2) Failure to recycle includes any person dumping recyclable materials in a private or municipal owned trash can including but not limited to those receptacles located in City-owned or operated parks, sidewalks, or sports venues.

(f) Penalty. Any person who violates the provisions of this section shall be subject to:

(1) A warning shall be issued for the first violation of this section, but such warning shall not apply and shall be deemed to have been waived for any owner of a multi-family dwelling of four (4) units or more, or any commercial, institutional or municipal establishment.

(2) A fine not exceeding fifty dollars (\$50.00) for a second violation of this section plus court costs.

(3) A fine not exceeding one hundred dollars (\$100.00) for a third violation of this section within one (1) year plus court costs.

(4) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this section within one (1) year plus court costs.

(5) Any owner of a multi-family dwelling four (4) units or larger violating this section 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 one thousand dollars (\$1000.00) plus court costs for each additional violation.

(6) Any commercial, institutional or municipal establishment violating this section 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.

(7) The Director shall consider the following criteria in determining the amount of assessments to be imposed under this Section:

- (i) The nature and extent of the person's involvement in the violation;
- (ii) Whether the person was seeking any benefits, economic or otherwise, through the violation;
- (iii) Whether the violation was isolated and temporary, or repeated and continuous;
- (iv) The length of time from any prior violations;
- (v) The magnitude and seriousness of the violation;
- (vi) The costs of investigation and remedying the violation;
- (vii) Whether any criminal prosecutions have occurred in regard to the violations; and
- (viii) Other relevant, applicable evidence bearing on the nature and seriousness of the violation.

(g) Administration and Enforcement of Recycling in municipal and Commercial Buildings shall be as follows: The Director of the Department of Environmental Services is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Chapter as deemed necessary, and to make these rules and regulations available to the public. The Director is also authorized to assess fees and prescribe payment procedures for:

- (1) The collection of municipal recycling in excess of one (1) time per week per single-family dwelling or small apartment building.
- (2) The collection of any contaminated recyclable material. The fees shall be designed to reflect the costs the City incurs for such collections. Disputes as to fees shall be resolved upon request of aggrieved persons in a hearing before the Director, or the Director's designee, conditioned upon the timely payment of the fees, which shall be subject to refund if the aggrieved person prevails.
- (3) All fees, assessments and interest imposed by this Chapter shall be a debt due and owing to the City of Pittsburgh and may be collected by civil action in the name of the City of Pittsburgh.
- (4) Requests for hearings shall be made within thirty (30) days of receipt of each assessment. The rules, regulations and fees and any amendments thereto shall be effective upon publication of a general summary of their content in a newspaper circulating generally within the City unless the Director extends the effective date to a date following publication.
- (5) The Director shall have the power to give exemptions to this section hereby known as the "Recycling Container Law" to any public, commercial, municipal, or private establishment or persons as the Director deems necessary.

- (h) The "enforcement officers" authorized to enforce the provisions of the Recycling Container Law are:
- (1) the Director of the Department of Environmental Services;
 - (2) authorized representatives, assistants or designees of the Director of Environmental Services;
 - (3) officers of the Pittsburgh Bureau of Police;
 - (4) Inspectors from the Bureau of Building Inspection.

§ 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.
- (b) Multi-Family Dwellings. An owner, landlord or agent of an owner or landlord of a multi-family rental dwelling shall be deemed to have complied with its separation responsibilities if it establishes a collection system for recyclables at each property. The collection system shall include separate suitable receptacles that conform with the Waste Regulations issued by the Director specifically for collecting and storing bags or other receptacles in which tenants have deposited their commingled recyclables, and written instructions to the occupants concerning the use and availability of the collection system. The receptacles shall be clearly marked as designated only for recyclable materials and shall be placed in a location easily accessible to the tenants. The written instructions shall include educational materials prepared by the Directors of the Department of Environmental Services and/or Public Works, which materials shall be distributed by the owner, landlord or agent to each dwelling unit. Owners, landlords and agents of owners or landlords who provide a collection system under this subsection shall not be liable for noncompliance of occupants of their buildings.
- (c) Commercial, institutional and municipal establishments and community activities. Persons shall separate high grade office paper, corrugated paper, plastic containers and aluminum from municipal waste generated at commercial, institutional and municipal establishments or at community activities and shall store materials until they are collected for recycling. The Director is authorized to designate by regulation other materials generated at these establishments or at community activities that also shall be separated and stored until collected for recycling.
- (d) An owner, landlord or agent of an owner or landlord of a commercial, institutional or municipal establishment that leases its premises to other such establishments shall be deemed to have complied with its separation responsibilities if it establishes a collection system meeting the requirements of the collection system for multi-family dwellings described in subsection (b) hereof.
- (e) Persons in any municipal establishment shall separate high grade office paper, corrugated paper, plastic containers and aluminum from municipal waste and shall store materials until they are collected for recycling. The Director is authorized to designate by regulation other materials generated at these establishments that also shall be separated and stored until collected for recycling.
- (f) The Department of Environmental Services shall supply and pair a recycling receptacle for glass, plastic, and metal on city streets where there is currently a waste receptacle. The recycling receptacle

must be at minimum of equal size as the waste receptacle with which it is paired. The Director may, at the Director's discretion, first choose to conduct a study to determine designated high traffic areas where this section shall be implemented by order of priority. When the City adds trash receptacles to those currently in place, all additional receptacles must be paired with the recycling receptacle for glass and plastic. All City trash receptacles must be paired with a recycling receptacle within one year of the effective date of this ordinance.

§ 619.06 COLLECTION OF RECYCLABLE MATERIALS.

- (a) Single-Family Dwellings, Small Apartment Buildings and Multi-Family Dwellings. Recyclable materials generated at single-family dwellings, small apartment buildings and multi-family dwellings shall be placed for collection by the City in accordance with regulations issued by the Director of the Department of Environmental Services. For single- and multi-family dwellings and small apartment buildings where owners do not provide containers for the City's collection of recyclable materials, both the occupants and owners of such dwellings shall be responsible for compliance with this subsection and any regulations issued hereunder.
- (1) The Director may grant exceptions to regulations promulgated pursuant to this section to single family dwelling and small apartment buildings occupied solely by persons with physical limitations which prevent them from placing recyclable materials at the curb; provided, however, that such person submit a written request for backyard collection and certify in the request that the single family dwelling and small apartment building is occupied solely by such persons.
- (2) For the purpose of subsection (a)(1) hereof, "physical limitation" means any illness, injury, incapacity or other physical handicap which prevents the person from placing recyclable materials at the curb; provided, however, that a physician certifies to the Department that such person is physically incapable of placing recyclable materials at the curb. The certificate shall be renewed annually.
- (b) Commercial, institutional and municipal establishments and community activities. Persons, as defined in 619.01, who own or operate commercial, institutional and municipal establishments and persons who organize and manage community activities shall arrange for the storage, collection and recycling of high-grade office paper, corrugated paper, plastic containers, aluminum and any other materials designated as recyclable materials which are generated at such establishments and community activities. The Director may, at his or her discretion, enter into agreements to collect such materials. Persons who own or operate multi-family dwellings and/or commercial, institutional and municipal establishments shall be exempt from the requirements of this subsection and subsections 619.05(b) and (c) if those persons have otherwise provided for the recycling of the materials that they are required to recycle under subsections 619.05(b) and (c).
To be eligible for this exemption, such persons shall file a sworn written statement with the Director that they have so provided for the recycling of the materials that they are required to recycle under subsections 619.05(b) and (c) and giving the person's name and address (or addresses), the name and address of the collector of its recyclable materials, the types of materials recycled and the annual tonnage of each, and any other information required under the regulations issued by the Department. Annual tonnage reports must be filed with the Director by forwarding such to the Recycling Division no later than January 15 of the following year.
- (c) Segregation of materials. No person shall place or cause to be placed any municipal waste in the receptacles specifically provided for recyclable materials to be collected by the City. No person shall place any recyclable materials generated at multi-family dwellings, commercial, institutional or municipal establishment in the receptacles that are specifically provided for recyclable materials to be collected by the City.
- (d) Pilot program. The Director of Environmental Services is authorized to establish pilot recycling programs in certain neighborhoods, at his or her discretion. Notice of such pilot programs shall be provided to the individual premises subject to any pilot program. Compliance with the recycling

requirements of any such pilot program shall be required in the neighborhood(s) subject to the pilot program.

- (e) Collection of City Recycling Receptacles. All City recycling receptacles shall be collected with the same frequency as the waste receptacles are currently collected, at a minimum. Additional pick-up dates shall be added at the discretion of the Director.