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Title:	Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article I: Regulated Actions and Rights, by repealing the existing language of Chapter 619: Refuse Collection and Recycling, in its entirety and replacing it with a new Chapter 619: Municipal Waste and Recycling to streamline municipal waste and recycling practices in the City of Pittsburgh.		
Sponsors:	Erika Strassburger, Bruce A. Kraus, Darlene M. Harris		
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Date	Ver.	Action By	Action	Result
3/28/2019	2	Mayor	Signed by the Mayor	
3/19/2019	2	City Council	Passed Finally	Pass
3/13/2019	2	Standing Committee	AMENDED	Pass
3/13/2019	2	Standing Committee	Affirmatively Recommended as Amended	Pass
3/5/2019	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article I: Regulated Actions and Rights, by repealing the existing language of Chapter 619: Refuse Collection and Recycling, in its entirety and replacing it with a new Chapter 619: Municipal Waste and Recycling to streamline municipal waste and recycling practices in the City of Pittsburgh.

WHEREAS, the City of Pittsburgh must build a culture of proper waste disposal and increase recycling participation in order to meet its defined goals within the Roadmap to Zero Waste; and,

WHEREAS, the City's Chapter 619 waste and recycling code outlines requirements for collection, storage, and disposal of waste and recycling, as well as enforcement for non-compliance, but has not been updated in a number of years; and,

WHEREAS, a holistic update that reflects current and best practices is necessary to not only meet sustainability goals but also to improve the quality of life in each of our 90 neighborhoods; and,

WHEREAS, updates of onsite storage requirements and landlord and tenant responsibilities promote the overall health and welfare of Pittsburgh residents; and,

WHEREAS, mandates regarding waste and recycling affect every person in Pittsburgh whether renting or owning a home, running a business, or managing a facility, and such mandates must be conveyed in plain

language; and,

WHEREAS, presented in a clear and concise manner in accordance with the Plain Language Resolution of 2015, Chapter 619 is now more accessible and thus more relevant; and,

WHEREAS, the City must better promote, educate, and offer resources to ensure compliance with Chapter 619 while simultaneously enforcing the requirements; and,

WHEREAS, food scraps and yard waste make up over 30% of trash sent to landfills, and composting standards provide guidance for residents to process organic waste into a nutrient-rich soil amendment; and,

WHEREAS, sustainability is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs; therefore the City must recruit the efforts of all its people to keep Pittsburgh clean, vibrant, and sustainable.

BE IT RESOLVED that the Council of the City of Pittsburgh enacts as follows:

Section 1. Amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article I: Regulated Actions and Rights, by repealing the existing language of Chapter 619: Refuse Collection and Recycling, in its entirety and replacing it with a new Chapter 619: Municipal Waste and Recycling to streamline municipal waste and recycling practices in the City of Pittsburgh.

CHAPTER 619: MUNICIPAL WASTE AND RECYCLING

§ 619.01 - DEFINITIONS.

The following words and phrases used throughout this Chapter shall have the following meanings:

(a) ***APPLIANCE.*** Includes, but is not limited to Freon-containing devices such as refrigerators, dehumidifiers, air-conditioners, freezers, chillers and water-coolers. The meaning is set forth in Title VI of the Clean Air Act entitled "Stratospheric Ozone Protection" which generally refers to any device which contains and uses refrigerant which is subject to use and disposal regulations of the Clean Air Act Amendments of 1990. (Clean Air Act, Secs. 601, 608, 42 U.S.C. Secs. 7671, 7671g).

(b) ***BULKY ITEM.*** All Municipal Waste too large and/or heavy to be transported in a closed thirty-five (35) gallon container. Automobile parts are excluded from this definition.

(c) ***COMMERCIAL ESTABLISHMENT.*** Any establishment engaged in non-manufacturing or non-processing business. The City does not act as a Collector for Municipal Waste and Recyclables generated at Commercial Establishments.

(d) ***COMPOST.*** An organic material resulting from the biological decomposition of organic materials.

(e) ***COMPOSTING.*** The process of combining organic materials in proper ratios into piles, rows, or vessels; controlling conditions (e.g., adding moisture and bulking agents, physical turning, aerating) as necessary to accelerate the breakdown of organic materials; and allowing the finished material to fully stabilize and mature through a curing process into Compost.

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(f) ***CONTAINER.*** A portable device made of durable, watertight materials with a closed, tight-fitting lid.

(g) ***COVERED DEVICE.*** Discarded electrical or electronic devices. Many of these products can be reused, refurbished, disposed of, or recycled. Pennsylvania's Covered Device Recycling Act of 2010 (Act 108) prohibits covered devices such as computers and televisions from landfills.

(h) ***DEMOLITION*** and ***CONSTRUCTION WASTE.*** Waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete.

(i) ***DIRECTOR.*** The Director of the Department of Public Works or the Assistant Director of the Bureau of Environmental Services or their designee.

(j) ***HAZARDOUS WASTES.*** Those wastes defined as hazardous under the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.103, as amended, that can be characterized as ignitable, reactive, corrosive, or toxic.

(k) ***HOUSEHOLD HAZARDOUS WASTES.*** Any waste generated at residences that would be considered a hazardous waste as defined above but for the fact that it is produced in quantities smaller than those regulated under the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.103, as amended.

(l) ***INSTITUTIONAL ESTABLISHMENT.*** Any establishment that serves groups of people. This includes but is not limited to, hospitals, universities, private schools, nursing homes, and nonprofit 501(c)3 institutions. The City does not act as a Collector for Municipal Waste. The City does not act as a Collector for Recyclables generated by Institutional Establishments unless otherwise stated in a formalized agreement executed at the discretion of the Director.

(m) ***LEAD ACID BATTERIES.*** Includes but is not limited to automotive, truck and industrial batteries that contain lead.

(n) ***LEAF WASTE.*** Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

(o) ***MULTI-FAMILY DWELLING.*** Any use in which there are six (6) or more dwelling units and/or where, in the case of a multi-tenant or condominium building or complex of buildings, the owner (s) or condominium association, arranges for storage of Municipal Waste and Recyclables in Containers greater than thirty-five (35) gallons. In such case, the building or complex of buildings as a whole, and not the individual units, shall be considered a Multi-Family Dwelling. The City shall not collect Municipal Waste or Recyclables generated by Multi-Family Dwellings.

(p) ***MUNICIPAL ESTABLISHMENT.*** Any establishment owned or operated by the City of Pittsburgh. A City building leased to a non-City entity will be governed by the terms of the lease agreement. The City shall collect Municipal Waste and Recyclables generated by Municipal Establishments unless otherwise stated in the lease agreement.

(q) ***MUNICIPAL WASTE***. Any garbage, rubbish, refuse, office waste and other material, including solid, liquid, semisolid or contained gaseous material, not meeting the definition of Residual Waste, Hazardous

Waste, or Special Handling Waste.

(r) ***ORGANIC MATERIALS***. Includes but is not limited to fruits, vegetables, Leaf Waste, kitchen, agricultural, and food processing waste; untreated wood and paper waste.

(s) ***PERSON***. Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(t) ***PRIVATE COLLECTOR.*** A collector hired to provide service for those properties not eligible for City collection. A Private Collector shall all maintain all licenses and permits as required by law.

(u) ***PRIVATE PREMISES.*** Any Premises or parking lot designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or attached to such premises.

(v) ***PUBLICLY-MANAGED ESTABLISHMENT.*** Any establishment owned or operated by county government, local or county government authority, state government or agency, federal government or agency, or local school district. The City does not act as a Collector for Publicly-Managed Establishments unless otherwise stated in a formalized agreement executed at the discretion of the Director.

(w) ***RECYCLABLES.*** Those materials designated for Recycling as established by the Waste Regulations.

(x) ***RECYCLING.*** The collection, separation, recovery and sale or reuse of materials which would otherwise be disposed of or processed as Municipal Waste.

(y) ***RECYCLING FACILITY.*** A facility that separates or classifies Recyclables and creates or recovers reusable materials that can be sold to or reused by a manufacturer. The term Recycling Facility shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

(z) ***RESIDUAL WASTE.*** Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not Hazardous Waste**.**

(aa) ***SINGLE FAMILY DWELLING.*** A building designed, intended, or used as a residence for a single family but excluding any parts of such buildings that are also occupied by Commercial, Institutional, Municipal, or Publicly-Managed Establishments. Municipal Waste and Recyclables generated by Single Family Dwellings shall be collected by the City.

(bb) ***SMALL APARTMENT BUILDING.*** A building or a part of a building designed or intended for residential use in which there are five (5) or fewer units and the residents place at the collection site Municipal Waste and Recyclables generated by them in single Containers of not greater than thirty-five (35) gallon capacity. Municipal Waste and Recyclables generated by Small Apartment Buildings shall be collected by the City.

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(cc) SPECIAL EVENT. Including but not limited to a parade, public assembly, performance, meeting, contest, exhibit, athletic competition or presentation, community event, block party, or ceremony attended by two hundred (200) or more individuals per day. The City does not act as a Collector for Municipal Waste generated at Special Events unless otherwise stated in a formalized agreement executed at the discretion of the Director..

(dd) SPECIAL HANDLING WASTE. Municipal Waste that requires special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes sewage sludge, infectious waste, chemotherapeutic waste and ash residue from a Municipal Waste incineration facility.

(ee) STORAGE. The containment of any waste on a temporary basis.

(ff) WASTE REGULATIONS. Regularly updated policies and considerations, such as the materials collected by the City and holiday service schedules, as set by the Director. Established in accordance with Section 111.01(b) of Pittsburgh Code, the Waste Regulations shall be made publicly available in both print and digital forms.

(gg) WASTE AND RECYCLING FACT SHEET. Document combining the requirements of this Chapter with the requirements of the Waste Regulations created at the discretion of the Director that shall be made publicly available in both print and digital forms. Property owner(s) shall provide the Waste and Recycling Fact Sheet to lessee(s).

(Ord. 31-1991, eff. 9-25-92; Ord. 21-2004, § 29, eff. 12-2-04; Ord. No. 9-2011, § 1, eff. 4-21-1)

§ 619.02 - SEPARATION OF RECYCLABLES FROM MUNICIPAL WASTE.

(a) In accordance with Pennsylvania Act 101, Recycling is mandatory in the City of Pittsburgh.

(b) Materials collected as Recyclables are designated by the Waste Regulations.

(c) Recyclables must be separated from Municipal Waste and free of solid and liquid residue.

(d) Municipal Waste may not be stored or placed for collection in blue bags, blue Containers, or any Container marked for Recycling.

(Ord. 45-1991, eff. 12-20-91; Ord. 21-2004, § 29, eff. 12-2-04)

§ 619.03 - MUNICIPAL WASTE AND RECYCLABLES STORAGE AND CONTAINERS.

(a) Residents of Single Family Dwellings and Small Apartment Buildings shall store Municipal Waste and Recyclables in durable, watertight Containers with close-fitting lids. Containers shall be kept in clean, neat, and sanitary condition at all times.

(b) For leased Single Family Dwellings and Small Apartment Buildings, owner(s) shall provide Containers for the Storage of both Municipal Waste and Recyclables. Both the owner(s) and lessee(s) shall be responsible for compliance with this Chapter and the Waste Regulations.

(c) All Persons not serviced by the City shall store Municipal Waste and Recyclables separately in durable, watertight Containers with close-fitting lids. Such Containers are subject to Pittsburgh Zoning Code

916.04 (B). Dumpsters and Containers shall be located a minimum of thirty (30') feet from any property zoned R1D, R1A, R2, R3, RM, or H.

(d) All persons not serviced by the City shall label dumpsters and/or Containers with the associated establishment name and/or address.

(e) Residents of Single Family Dwellings and Small Apartment Buildings must store Containers in the rear of the property, and/or removed from view of the public right-of-way.

(Ord. 37-1990, eff. 12-28-90; Ord. 21-2004, § 29, eff. 12-2-04)

§ 619.04 - MUNICIPAL WASTE AND RECYCLABLES COLLECTION.

(a) Single Family Dwellings and Small Apartment Buildings. The City shall collect Municipal Waste and Recyclables from Single Family Dwellings and Small Apartment Buildings, defined as having five (5) or fewer units.

(b) Timing. Municipal Waste and Recyclables shall be placed for collection no earlier than 6 p.m. the day before collection and no later than 6 a.m. the day of collection. Containers shall be removed from collection site and stored no later than ~~7~~ **10** p.m. on collection days.

(c) Placement.

(1) Municipal Waste shall be placed at the collection site in one or a combination of the following:

a. A substantial, leak-proof bag;

b. Containers not exceeding thirty-five (35) gallons;

c. City-issued Containers.

(2) Recyclables shall be placed at the collection in one or a combination of the following:

a. **Blue** Containers **clearly marked for Recycling** not exceeding thirty-five (35) gallons;

b. City-issued Containers

c. Blue bags

(3) Municipal Waste and Recyclables shall be placed at a single location readily accessible within while not obstructing the public right of way, or at the edge but not more than five (5') feet back from the traveled roadway or curb, or at a location determined by the Director.

(4) The Director may grant exceptions to this section to Single Family Dwellings and Small Apartment Buildings occupied by Persons with physical limitations which prevent them from placing Municipal Waste and Recyclables at an accessible location. Such Persons shall submit a written request for medical exemption certified by a physician. Upon approval, the Director shall determine an alternate collection site.

(d) Inspection. The Department may exercise its right to inspect Municipal Waste and/or Recycling placed at the collection site in order to verify compliance with this Chapter and with the Waste Regulations.

(e) Ownership. Municipal Waste and Recyclables placed at the collection site shall continue to remain the responsibility of the generator until collected. No other Person shall tamper with or remove such materials unless authorized by the generator, the City, or the Private Collector.

(f) Private Collectors.

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All Persons not serviced by the City are responsible for hiring a Private Collector for Municipal Waste and Recyclables, except as otherwise provided in this Chapter. These include but are not limited to Commercial Establishments, Institutional Establishments, Multi-Family Dwellings, Publicly-Managed Establishments, and Special Events.

All Persons not serviced by the City shall maintain record, subject to City review upon request, of the name and address of the Private Collector and annual tonnage of Municipal Waste, Recyclables, and any other waste collected.

(g) Disposal of Municipal Waste.

All Municipal Waste collected shall be taken to a landfill cited in the Allegheny County Solid Waste Management Plan 2019, or any subsequent revisions.

(h) Handling of Recyclables. All Recyclables collected shall be taken to a Recycling or Material Recovery Facility that follows all applicable regulations.

§ 619.05 MATERIALS NOT COLLECTED BY THE CITY.

(a) Materials not collected by the City.

Disposal of the following materials shall be the responsibility of the generator:

(1) Demolition and Construction Waste;

(2) Human or animal excrement with the exception of excrement wrapped in a closed, leak-proof bag or container;

(3) Sewage treatment residue;

(4) Special Handling Waste;

(5) Residual Waste;

(6) Trees or parts of trees that have not been bundled in a size five (5') feet in length and four (4") inches in diameter or less;

(7) Tires, Lead Acid Batteries, and automobile parts;

(8) Household Hazardous Waste;

(9) Covered Devices;

(10) Appliances;

(11) Dead animals. Persons requiring such collection shall contact the Bureau of Animal Care and Control;

Minimal amounts of the above wastes may be collected at the discretion of the Director in instances of serious health or safety risk/hazard.

(Ord. 37-1990, eff. 12-28-90; Am. Ord. 31-1992, eff. 9-25-92; Ord. 21-2004, § 29, eff. 12-2-04)

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§ 619.06 - ACCUMULATION OF MUNICIPAL WASTE AND RECYCLABLES.

(a) The accumulation of any Municipal Waste, Recyclables, or other refuse or debris shall not be permitted on any Private Premises or any abutting sidewalk or street.

(b) For any violation of this section the City shall give five (5) days' notice to the owner(s) or lessee(s) to remove the accumulation, except when deemed by the City to be a serious health or safety risk/hazard, in which case a shorter time limit may be specified.

(c) If the condition has not been abated within ten (10) days, the City is authorized to abate the conditions. The City shall immediately be entitled to recover all costs from the owner (s) or lessee (s) in an action at law in the Court of Common Pleas, and the City may have a lien for the amount of the claim against the premises. Such lien for the recovery of the costs to the City of abating the unlawful accumulation shall be in addition to any fine or penalty imposed under section 619.10 of this Chapter.

(Ord. 37-1990, eff. 12-28-90; Ord. 13-1991, eff. 5-1-91; Ord. 21-2004, § 29, eff. 12-2-04) **§ 619.07 - HOUSEHOLD HAZARDOUS WASTE, TIRES, LEAD ACID BATTERIES, AND COVERED DEVICES.**

Household Hazardous Wastes, tires, Lead Acid Batteries, and Covered Devices are not collected by the City. The Director is hereby authorized to develop and implement programs for the Collection and disposal of Household Hazardous Wastes, tires, Lead Acid Batteries, and Covered Devices

(Ord. 37-1990, eff. 12-28-90)**§ 619.08 - RESPONSIBILITIES OF OWNER(S) AND LESSEE(S)**

(a) Owner(s) shall provide to lessee(s) the Waste and Recycling Fact Sheet, specifying the requirements of this Chapter and the Waste Regulations. Such document shall be signed by the lessee(s) indicating agreement to abide by the requirements.

(b) This document, completed, initialed, and signed by the owner(s) and lessee(s) shall be maintained as part of the owner(s) records subject to City review upon request.

(c) In the event that the lessee(s) is in violation of this Chapter and/ or the Waste Regulations, then the City shall issue a citation against both the owner(s) and the lessee(s) of the property.

(Ord. No. 22-2008, § 1, eff. 11-19-08; Ord. No. 1-2009, § 1, eff. 2-11-09) **§ 619.09 - ADMINISTRATION.**

(a) The Director is authorized and directed to create and update the Waste Regulations for the operation and enforcement of this Chapter as necessary, and to make these available to the public in both print and digital forms. The Director is also authorized to assess fees and prescribe payment procedures for the following:

(1.) Collection of Municipal Waste in excess of once per week for Single Family Dwellings or Small Apartment Buildings;

(2.) Collection of any contaminated Recyclables;

(3.) Collection of excessive Bulky Items;

(4.) Recovery or reclamation of any Appliance containing Freon as required by the Clean Air Act Amendments of 1990. Act of November 15, 1990, Pub. L. 101-549, Title VI, Sec. 608, 104 Stat. 2660 (1990). The fees shall be designed to reflect the costs the City incurs for such collections.

(b.) The Waste Regulations shall be updated on a regular basis to reflect changes in the market and/or

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current practices.

(c.) The Director is also authorized to establish a fee schedule and/or execute a formalized agreement for City collection of Municipal Waste and Recyclables for those Persons not serviced by the City, or with other boroughs and/ or municipalities. The Director shall take into consideration the City's need to remain competitive with private industry as well as the cost to the City of administration of this Chapter. Council shall approve by resolution the fee schedule. The Director shall provide a thirty (30) day notice of any changes in the fee or collection schedule to all Persons affected by this article.

(Ord. 45-1991, eff. 12-20-91; Ord. 21-2004, § 29, eff. 12-2-04; Ord. No. 22-2008, § 1, eff. 11-19-08)

§ 619.10 - ENFORCEMENT.

Except as otherwise provided below, any person violating the provisions of this Chapter shall be fined according to the table below. Each day the violation continues shall constitute a separate violation.

	Initial violation	**Additional violation**
Person, Single Family Dwelling, Small Apartment Building	Fifty dollars ($50.00)	Maximum five hundred dollars ($500.00)
Multi-Family Dwelling	One hundred dollars ($100.00)	Maximum five hundred dollars ($500.00)
Commercial, Institutional, or Publicly-Managed Establishment	One thousand dollars ($1,000.00)	Maximum five thousand dollars ($5,000.00)

(Ord. 37-1990, eff. 12-28-90; Am. Ord. 30-1994, eff. 12-16-94; Ord. No. 22-2008, § 1, eff. 11-19-08) (Ord. 37 -1990, eff. 12-28-90; Ord. No. 22-2008, § 1, eff. 11-19-08) **§ 619.11 - COLLECTION TIMES IN RESIDENTIAL ZONES.**

(a) In accordance with Pittsburgh Zoning Code 916.05 (A), no Private Collector shall operate any collection activities within any residential zoning district, within one thousand (1,000') feet of any residential zoning district or within, one hundred (100') feet of a residential structure between the hours of 10:00 p.m. and 6:00 a.m.

(b) A violation of Section 619.11(a) shall be governed by this subsection instead of the penalties otherwise set forth in Section 619.10. Any person found to have violated Section 619.11(a) shall be subject to a fine of one thousand ($1,000.00) dollars plus costs for first and all subsequent offenses. Each collection activity within the prohibited hours set forth in Section 619.11(a) shall constitute a separate and distinct offense.

(c) This section shall be enforceable by the Pittsburgh Bureau of Police and/or the Department of Public Works.

(Ord. No. 2-2011, § 1, eff. 2-22-11; Ord. No. 9-2011, § 2, eff. 4-21-11; Ord. No. 23-2011, § 1, eff. 11-21-11)

§ 619.12 - PILOT PROGRAM.

(a) Pilot program. The Director is authorized to establish Recycling and Composting pilot programs. Notice of such pilot programs shall be provided to the properties subject to any pilot program. Compliance with additional requirements of any such pilot program shall be required in the neighborhood(s) subject to the pilot program.

§ 619.13 - LEAF WASTE.

(a) Separation from Municipal Waste. Persons shall separate all Leaf Waste from Municipal Waste and

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store Leaf Waste until collection, unless those Persons have otherwise provided for the composting of Leaf Waste.

(b) Composting. The Director is hereby authorized to develop and implement a program for the collection and composting of Leaf Waste generated at sites serviced by the City.

(Ord. 37-1990, eff. 12-28-90)

§ 619.14 - COMPOSTING.

Composting activities are classified as Urban Agriculture in §912.07 of the Pittsburgh Zoning Code. Any and all composting activities, including residential accessory use permitted by right as described in §912.02, must comply with the following criteria:

(a) Size and placement. Compost structures shall be set back at least one (1) foot from all property lines.

Organic materials must be located in a defined area (such as a composting pad) or bin through the use of brick or cement block; wood and/or wire mesh; or bins or drums made of plastic or metal.

(b) Standard composting practices. Standard composting practices, as outlined in the Department of Environmental Protection's Permit # WMGM017 section II OPERATIONS, are required, including, but not limited to, providing adequate air circulation and moisture to prevent combustion and objectionable odors to adjacent properties.

(c) Drainage. The compost site shall be operated in a manner which prevents the drainage of water or leachate onto any neighboring property and protects against the attraction of rodents or other pests.

(d) Prohibited Materials. Composting activities may not include: meat, bones, fat, oil, whole eggs, dairy products, plastics, synthetic fibers, diseased plants, or human, cat, or dog wastes or other such materials determined by the Director.

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