

**Recycling Technical Assistance  
Project #509  
Mt. Lebanon Township, Allegheny County, PA  
Mt. Lebanon Ordinance Review**

**November 2012**

Sponsored by the Pennsylvania Department of Environmental Protection  
through the Pennsylvania State Association of Township Supervisors

**Prepared by:**



*"Working to protect the environment since 1939."*

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### **Problem Statement**

Mount Lebanon Township's (hereafter referred to as Mt. Lebanon) current curbside recycling program is a single stream system with recyclables picked up curbside twice per month. The annual volume has increased by over 1,372 tons or 131% since 2008. There is great interest in continuing to increase the rate of recycling in Mt. Lebanon. Last year, the municipality sponsored a recycling competition between 10 surrounding communities. To continue with the goal of increasing the recycling rate, Mt. Lebanon's Environmental Sustainability Advisory Board would like to improve the existing Solid Waste Ordinance, which has not been updated in over twenty years.

The Pennsylvania Resources Council (here after referred to as PRC) was engaged, via the Pennsylvania Department of Environmental Protection's (DEP) Recycling Technical Assistance (RTA) program to perform a comprehensive review of Mt. Lebanon's current Solid Waste and Recycling Ordinances. This included evaluating the current ordinances for compliance with Act 101 requirements, enforcement/penalties, inclusion of additional materials and other areas relevant to the continuation, expansion, support and improvement of Mt. Lebanon's recycling and waste minimization efforts. The attached report includes PRC's findings along with recommendations for changes, edits, additions, and/or revisions.

### **Scope of Work**

In the Scope of Work, approved on June 15, 2012, PRC was to provide assistance to Mt. Lebanon via a comprehensive review of the municipality's current Solid Waste and Recycling Ordinances.

The tasks included in the Scope of Work were:

- Meet with key Municipal staff and review current ordinance
- Review current municipal ordinance for compliance with Act 101 and make recommendations
- Research recycling and solid waste ordinances currently in use in other municipalities
- Develop final recommendations for update, edits and revisions to current ordinances
- Follow-up meeting with Municipality
- Produce final report

## **Findings and Recommendations**

Overall, the majority of Mt. Lebanon's current Solid Waste Ordinance is in keeping with the provisions of Act 101. With several minor exceptions, the ordinance meets most requirements of Act 101 for mandated municipalities. Mt. Lebanon has implemented a residential curbside recycling program, which includes more than the minimum of three materials and requires residents to separate leaf waste. The ordinance also requires businesses and multi-family rental housing properties to separate high grade office paper, aluminum, corrugated paper and leaf waste. However, the Solid Waste Ordinance has not been updated since 1990, with the exception of an addition regarding the requirements for Act 108 also known as the "Covered Devices Act" on July 12, 2011. It is PRC's recommendation that further updates to the Solid Waste Ordinance including some revisions, additions, and clarifications are needed.

Upon reviewing Mt. Lebanon's ordinance, recommendations are made for the following areas:

1. Include an expanded list of prohibited materials and prohibited acts
2. Inclusion of clear consequences and enforcement for non-compliance (i.e. fines/penalties)
3. Re-organization for greater clarity and utility
4. Further clarifications and considerations for residential and commercial recycling
5. Addition of definitions
6. Considerations for Website
7. Pay as You Throw (PAYT)

### **1. Include an Expanded List of Prohibited Materials and Prohibited Acts**

#### **1.1 Prohibited Materials**

At present, the Ordinance prohibits the following materials from the waste stream: traditional recyclables (302.2, 305), leaf waste (302.4), and, as of 2011, Covered Devices (604).

- **Recommendation:** Update the Solid Waste Ordinance to include a section entitled "Prohibited Materials" (some ordinances refer to this as "Unacceptable Waste") and provide an expanded list, to include: household chemicals, hazardous waste, pharmaceuticals, large and small appliances (with Freon), tires, construction material and, as required by Act 101, lead acid batteries. This list should also include the traditional recyclables, leaf waste and covered devices already mentioned in the ordinance. By clearly defining which items may not be included with municipal waste, there is a greater chance for compliance and diversion.

#### **1.2 Additional Prohibited Acts to Consider**

Mt. Lebanon's ordinance lists various prohibited activities, including mixing recyclables (305) or leaf waste (302.3) with wastes, dumping and accumulation of waste (PART 4), and accumulation of litter or debris (PART 5). Based on systems that are currently in place, Mt. Lebanon may want to expand on their prohibited activities.

- **Recommendation:** In addition to sections 302.2 and 305 (referring to separation of recyclable materials from other refuse), Mt. Lebanon may want to consider adding a clause similar to the following: "No person shall place municipal waste in containers used for the separation and collection of recyclable materials; no person shall place recyclable materials in containers used for the separation and collection of municipal waste."

- Mt. Lebanon’s website provides useful tips about deterring rodents and infestation. If rodents are a common problem, Mt. Lebanon may want to consider adding a “Harboring Rodents” clause to their ordinance to read similar to “The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance. Any person accumulating or storing municipal waste on private or public property shall insure the sanitary and legal disposal of such waste in accordance with this chapter and all other applicable Township, state, and federal laws and regulations.”
- If there is a concern for scavenging of recyclable materials, Mt. Lebanon may want to add a Scavenging subsection to 303 Ownership of Recyclable Material, to read similar to: “It shall be a violation of this ordinance for any person(s), unauthorized by the Township, to collect or pick up or cause to be collected or picked up any recyclable material placed at curbside for collection. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.”

## **2. Inclusion of Clear Consequences and Enforcement for Non-Compliance (i.e. Fines/Penalties)**

Currently, the Mt. Lebanon Solid Waste and Recycling Ordinances do not include sections for Enforcement, Fines, and/or Penalties. As required by Act 101, a municipality’s ordinance must make “provisions to ensure compliance with the ordinance, including incentives and penalties.”

- **Recommendation:** Add sections labeled “Violations and Penalties,” or “Fines, Penalties, and Enforcement.”
- The Enforcement section should include who is authorized to issue warnings and citations (local law enforcement, public officer, township manager, etc.) as well as how said citations will be distributed (by ticket, attached to door, in the mail, etc.).

See Appendix C to refer to Allentown’s 1131.94 ENFORCEMENT.

- Pick a tangible fine that may be issued after warning(s), perhaps ranging from twenty-five dollars to one hundred dollars for resident non-compliance or varying fines for various degrees of noncompliance. Consequences should be clear for a variety of offenses reflecting businesses and residents. Clearer and more realistic consequences throughout the ordinance may help to increase diversion and participation from both residents and businesses.

For an example of various fines for residential and commercial establishments visit the City of Pittsburgh’s section § 619.15 - VIOLATION AND PENALTY. See Appendix C for a link to the City of Pittsburgh’s Solid Waste Ordinance.

- Consider using phrases such as, “Each day of violation shall be considered a separate and distinct offense and violation of this Article” and “In addition to this penalty, the Township may institute any appropriate action or proceeding, whether by legal process or otherwise, to prevent any illegal act, conduct, business or use on or about such premises subject to this article.”

Reference Fines and Penalties sections in Allentown 1131.99 FINES AND PENALTIES and Cranberry Part 5. PENALTIES. Appendix C contains links to these sample ordinances.

### **3. Re-organization for Greater Clarity and Utility**

Although Mt. Lebanon's current Solid Waste Ordinance covers most of Act 101's requirements, it is outdated and in need of some reorganization. There are some components that can be combined or reorganized and others that should be separated. With some changes and updates, Mt. Lebanon's Solid Waste Ordinance could be made clearer and easier to navigate. In some sections, specifically 302 Separation and Collection, the ordinance jumps back and forth between residential, multi-family rental housing, and commercial requirements. Separating commercial and multi-family recycling from residential recycling will help to distinguish the two. This allows for a simpler ordinance that is easier for residents and businesses to utilize.

- **Recommendation:** Reorganize the ordinance to have three main parts:  
PART 1 SOLID WASTE,  
PART 2 RESIDENTIAL RECYCLING, and  
PART 3 COMMERCIAL AND MULTIFAMILY RECYCLING,
- Reorganize remaining sections into one of the three main categories of the ordinance:
  - Part 1 COLLECTION and Part 2 PLACEMENT FOR COLLECTION can be moved to subsections under SOLID WASTE.
  - Part 4 DUMPING AND ACCUMULATION and Part 6 COVERED DEVICE RECYCLING should go under a subsection for prohibited acts.
  - Part 5 LITTER AND DEBRIS applies to commercial establishments. This section could be moved to either a subsection under COMMERCIAL AND MULTI FAMILY RECYCLING or SOLID WASTE or be left as its own separate section.

Appendix A includes a sample outline for Mt. Lebanon's Solid Waste and Recycling Ordinance.

## **4. Further Clarifications and Considerations for Residential and Commercial Recycling**

### **4.1 Residential Recycling**

Mt. Lebanon may also want to consider expanding the residential recycling article to include the specific materials that residents should recycle. Currently, residents are required by the ordinance to separate recyclable material from municipal waste and participate in the curbside collection program. The number of materials designated for collection exceeds the minimum of three items required in Act 101.

The materials required to be recycled in Mt. Lebanon include:

- Paper: Paperboard boxes (such as those used for cereal, tissues and shoes), copier paper, magazines, newspaper, catalogs, junk mail including envelopes and telephone books.
- Metal: Aluminum, steel, tin and bimetal cans, aluminum foil and foil products
- Glass: Clear, green and amber glass containers
- Plastic: Items numbered 1 through 7 on the bottom. (Examples include: baby wipe containers, yogurt cups, household cleaner bottles, margarine tubs, shampoo bottles, etc.)

The list of acceptable materials can be found on Mt. Lebanon's website, but is not listed specifically in the ordinance.

- **Recommendation:** Adding a specific list of recyclable materials- paper, metal, glass and plastic- to section 306 Materials to be Recycled may help with addressing non-compliance and increasing participation.
- At minimum, to ensure compliance with Act 101, Mt. Lebanon should add a clause in their recycling ordinance that requires residents to recycle, including but not limited to, “at least the following materials: clear glass, colored glass, plastics, aluminum, steel and bimetallic cans, high grade office paper, corrugated paper and newsprint and any other materials determined by the Commission by resolution.” Since what is considered acceptable recyclable material changes frequently, Mt. Lebanon may prefer to update this list by resolution rather than directly in their ordinance.
- To ensure compliance with Act 101, Mt. Lebanon may want to include some specifics in their ordinance about the collection of leaf waste, mentioning curbside collections and the availability of a drop off location for residents. Also added should be requirements for residents, such as: “leaves should be raked into a pile at the curb” and “Corner lot residents must make sure their leaf piles are at least 20 feet from the intersection.” At the very least, under section 307 Procedures for Compliance, subsection c) Procedures and rules for collection of leaf waste, add a phrase similar to “Yard waste shall be prepared and placed at curbside, separate from municipal waste and recyclable materials, for collection at such times and dates as may be established by resolution.”

#### **4.2 Commercial Recycling**

All the commercial requirements for Act 101 are located in the ordinance. Commercial, municipal and institutional entities (including community activities) must separate the following materials for recycling: high-grade office paper, aluminum, corrugated paper, and leaf waste. Multi-family rental housing properties, over four (4) units, are also required to establish a collection system at each property and must include written instructions to the occupants concerning the use and availability of the collection system. Lastly, Commercial entities must also submit an annual report to the Municipality reporting the tonnage of materials recycled during the previous year.

- **Recommendation:** Move sections 302.3 (referring multi-family rental units) and 302.5 (referring to commercial, municipal, institutional establishments and community activities) to a Commercial and Multi-Family Recycling section. Because the requirements are so different from commercial recycling to residential recycling, splitting the recycling article will help businesses understand what is needed in order to be in compliance with the ordinance.

Appendix A includes suggestions for an updated outline of the Solid Waste and Recycling Ordinance.

- Include detailed information about commercial reporting requirements in the ordinance.
  - The recycling reporting requirements for commercial and multi-family rental properties should be clarified and specify when annual reports must be submitted to Mt. Lebanon.

- Consider updating requirements for annual report to also include reporting hauler and types of materials recycled.
  - Include enforcement for when businesses and multi-family rental housing properties fail to report.
- Lastly, consider adding a requirement for commercial recycling education to further encourage business participation. The ordinance already requires this for multi-family rental housing properties. This requirement should encourage businesses to minimally educate new employees on recycling requirements, as well as, using signs and clearly marked receptacles for recyclable material.

Again, because the requirements are so different from commercial recycling to residential recycling, separating the recycling article will help businesses understand what is needed in order to be in compliance with the ordinance.

## 5. Adding Definitions

Currently, the Solid Waste Ordinance is lacking in definitions. Although a “Definitions” section is not required by Act 101, it is recommended that Mt. Lebanon consider adding definitions to clarify some challenging terms. For example, the term “Leaf Waste” is used to mean not only leaves, but also “garden residue, shrubbery, tree trimmings and similar material, but not including grass clippings.”

- **Recommendation:** Add a section at either the beginning of the Solid Waste Ordinance or the beginning of each part, with definitions that apply to each section.

Appendix A shows where these definitions may be placed in the ordinance outline.

Appendix B includes some commonly used and recommended definitions

Appendix C includes links to other ordinances. See Allentown and Cranberry for more examples of definitions.

## 6. Considerations for Website

Mt. Lebanon has an extensive website that is extremely informative to residents. Some suggestions to help make the ordinance more accessible to its residents:

- To better help residents and businesses understand what is required; it is recommended that Mt. Lebanon use a simplified version of the Solid Waste and Recycling Ordinance on their website. This summary should be concise, clear, in plain, simple language; and it should be targeted to the primary users of this information: residents on the one hand, and owners of businesses and multi-family rental housing properties on the other. At the very least, the recycling webpage should include a link to the ordinance.
- Include a printable copy of the Commercial Reporting Form for the Annual Report.
- To help businesses and multi-family rental housing properties comply with the education requirement, consider adding some printable recycling signs to the recycling webpage.



## **7. Pay As You Throw**

Mt. Lebanon is currently interested in adapting a Pay as You Throw (PAYT) collection system. Some additional considerations and recommendations for the Solid Waste Ordinance to consider if PAYT is pursued:

- Under Collection and Separation of Waste, consider adding a section regarding Recycling Containers/Cart Ownership and Container/Cart Requirements.
- If Mt. Lebanon adapts to a fee based PAYT structure, consider adding sections for Service Fees and Billing, as well as, a section for Non-Compliance and/or Delinquent Bills.

Appendix C includes a link to Cranberry's Solid Waste Ordinance as a model for Pay as You Throw.

### **Conclusion**

In 1990, when Mt. Lebanon's Solid Waste and Recycling Ordinance was enacted it was considered a model ordinance. However, in the past twenty years, the requirements for municipal solid waste and recycling have increased and specifications have changed. By adding a section for Covered Devices, Mt. Lebanon has taken a proactive approach to the recent Covered Devices Act. By continuing to update the Solid Waste and Recycling Ordinance, Mt. Lebanon can continue to strive for higher diversion rates and increased participation. A summary of the recommendations are:

- Expand the list of Prohibited Materials, making sure to include lead acid batteries, and Prohibited Acts;
- Include clear consequences for non-compliance as well as how these will be enforced;
- Reorganize the ordinance to include separate sections for residential and commercial recycling;
- Add specifics to ordinance, especially in sections 202 Definitions, 306 Materials to be Recycled, and 307 Procedures for Compliance where the ordinance tends to be vague;
- Add definitions, especially for leaf waste and other terms that may be misleading; and
- Continue to utilize website to effectively educate residents and businesses on solid waste and recycling requirements.

# Appendix A: Recommended Outline of Ordinance

## Chapter XIV SOLID WASTE

### SOLID WASTE

#### PART 1 COLLECTION

##### Definitions

§101 "Authorized Refuse and Garbage Collector" Defined

§103 Collections by Person Under Contract with the Municipality

§104 Hours for Collection

§105 Waste Disposal Restrictions

#### PART 2 PLACEMENT FOR COLLECTION

§201 Placement for Collection

§202 Definitions [Move to Definitions](#)

§203 Removal of Containers Following Collection

##### Prohibited Acts

Prohibited Material [Materials Prohibited from Solid Waste, required to be Recycled or Diverted](#)

[List of materials required to be recycled via regular collection](#)

[List of other materials prohibited from solid waste](#)

[Lead Acid Batteries](#)

#### PART 6 COVERED DEVICE RECYCLING

§601 "Covered Devices" Defined.

§ 602 Other Definitions. [Move to Definitions section](#)

§ 603 Separation.

§ 604 Prohibited Acts.

§ 605 Collections by Person Under Contract with the Municipality.

§ 606 Effective Date.

§102 Removing or Disturbing Rubbish, Garbage, Recyclable Materials & Other Refuse Prohibited

#### PART 4 DUMPING AND ACCUMULATION

§401 Dumping or Accumulation of Solid Waste on Private Property is Prohibited

§402 Notice to Remove; Removal by Municipality at Owner's Cost

Fines, Penalties, and Enforcement

#### PART 3 RECYCLING [Separate into two sections "Residential" and "Commercial Recycling."](#)

##### RESIDENTIAL RECYCLING

##### Definitions

§301 Establishment of Program

§302 Separation and Collection

302.4 Leaf Waste

§303 Ownership of Recyclable Materials

§304 Existing Recycling Operations

§305 Recycling of Materials

§306 Materials to be Recycled

§307 Procedures for Compliance

Fines, Penalties, and Enforcement

##### COMMERCIAL RECYCLING ORDINANCE [Commercial, Multifamily Units, and Special Events](#)

##### Definitions

§301 Establishment of Program

§302 Separation and Collection (302.3, 302.5)

Reporting Requirements

Required Education Program

§304 Existing Recycling Operations

§305 Recycling of Materials

§306 Materials to be Recycled (High Grade Office Paper, Aluminum, Corrugated Paper, Leaf Waste)

§307 Procedures for Compliance

Fines, Penalties, And Enforcement

#### PART 5 LITTER AND DEBRIS

§501 In the CBD Commercial District and in the C-1 Neighborhood Commercial District

Fines, Penalties, and Enforcement

## **Appendix B: Sample Definitions**

**CONTAINER** A metal or plastic receptacle used for garbage, yard waste and/or recyclables collection and be rodent and insect proof.

**HAZARDOUS WASTE** means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

**HOUSEHOLD HAZARDOUS WASTE (HHW)** is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable; Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive supplies, paints, and acids.

**HIGH-GRADE OFFICE PAPER**—All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

**LEAF WASTE**—leaves, garden residue, shrubbery, tree trimmings and similar material, but not including grass clippings.

**MUNICIPAL WASTE**—Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous materials resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual waste or hazardous waste. The term “Municipal Waste” shall exclude source-separated recyclables.

**PERSON**—Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term person shall mean the officers and directors of any corporation or other legal entity having officers and directors.

**RESIDENT**—Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as a subject of rights and duties which owns, leases or occupies a property located in the Township used as a residence.

**WHITE GOODS**—Refrigerators, washing machines, dryers, window air conditioners, hot-water heaters and other major home appliances.

## **Appendix C: Links to Sample Ordinances**

City of Allentown Pennsylvania:

<http://www.allentownpa.gov/Portals/0/files/5%20Solid%20Waste%20Recycling.pdf>

Center County Pennsylvania:

<http://www.ecode360.com/10702731>

Cranberry Township Pennsylvania (PAYT):

<http://www.keystatepub.com/keystate-pdf//PA/Butler/Cranberry%20Township/Chapter%2020%20Solid%20Waste.pdf>

City of Pittsburgh Pennsylvania:

[http://www.city.pittsburgh.pa.us/pw/assets/05\\_Ordinances\\_Chapter\\_619\\_entire.pdf](http://www.city.pittsburgh.pa.us/pw/assets/05_Ordinances_Chapter_619_entire.pdf)