

ORDINANCE NO. 14882

FILE OF CITY COUNCIL

BILL NO. 15 - 2011

INTRODUCED BY

MARCH 16, 2011

AN ORDINANCE

Amending Article 1139, Commercial Recycling Ordinance, to include Section 1139.03, Non-interference with Existing Contracts, the addition of certain recyclable items to the list of required recyclable materials and various other updates throughout Article 1139 to be consistent with State law.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 1139, Commercial Recycling Ordinance be amended by adding Section 1139.03, Non-interference with Existing Contracts as follows:

**ARTICLE 1139
COMMERCIAL RECYCLING ORDINANCE**

- 1139.01 Definitions
 - 1139.02 Establishment of a Commercial Recycling Program
 - 1139.03 Non-interference with Existing Contracts
 - 1139.04 Reporting Requirements
 - 1139.05 Applicability of Regulations
 - 1139.06 Storage and Placement of Designated Recyclable Materials
 - 1139.07 Preparation of Designated Recyclable Materials and Placement for Collection
 - 1139.08 Required Education Program
 - 1139.09 Exemption from Program Requirements
 - 1139.10 Collection and Transportation of Designated Recyclables
 - 1139.11 Collection by Unauthorized Person(s)
 - 1139.12 Enforcement and Administration
 - 1139.13 Violation Ticket Appeals Process
 - 1139.14 Severability
 - 1139.15 Fines and Penalties
- (14264 §1 3/3/05)
-

1139.01 DEFINITIONS

The following words and phrases when used in the ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

1. **Aluminum Cans, Foil and Plates** means an empty container consisting entirely of aluminum and used solely for packaging of beverage or food; includes aluminum foil and pie plates.

2. **Bi-Metal Can** means an empty food or beverage container consisting of a combination of ferrous and aluminum metals.
3. **Center City** means that section of Allentown that is bounded on the east by the Jordan Creek, on the north by Tilghman Street, on the west by 11th Street and on the south by the Little Lehigh Creek. (13219 §1 10/7/93)
4. **City** means the City of Allentown.
5. **City Curbside Collection Program** is the authorized collection, removal, transportation and disposal of municipal waste and recycling generated from eligible single family dwellings, rooming units, group homes, multi-family dwellings and commercial and institutional establishments who pay the annual Municipal Waste and Recycling Fee to the City of Allentown for this service. (14264 §1 3/3/05)
6. **Collector** means a person authorized by the Department of Public Works to collect, transport and dispose of municipal waste or recyclable materials.
7. **Commercial Establishment** means an establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
8. **Commingled** means source separated, non-putrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).
9. **Community Activity** means events that are sponsored in whole or in part by the City or conducted within the City and sponsored privately, which include but are not limited to fairs, bazaars, socials, picnics and organized sporting events that are open to the general public and will be attended by 200 or more individuals per day.
10. **Condominium** means an apartment building or housing area in which the dwelling units are owned individually.
11. ~~Corrugated Cardboard means any structural paper material with an inner core shaped in rigid parallel furrows and ridges.~~ means industrially prefabricated boxes, primarily used for packaging goods and material; includes other similar box containers.
12. **Designated Recyclable Materials** means those recyclable materials specified by the City to be separated from municipal waste for the purpose of recycling in accordance with this ordinance. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, newspapers, magazines and periodicals, plastic containers, corrugated cardboard, paperboard, office paper, white goods and leaf wastes.
13. **Dwelling unit** means a group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.
14. **Eligible Entities** means any residence or place of business that receives City contractor service in accordance with the criteria contained herein. (13219 §1 10/7/93)
15. ~~Ferrous can means an empty steel or tin food or beverage container.~~
16. **Food Service Establishment** means any establishment licensed as such by the City.
17. **Glass Container** means an empty bottle or jar made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products, drinking glasses, light bulbs and the like.
18. **High Grade Office Paper** means any bond, copier and similar paper. ~~letterhead or mimeograph paper typically sold as "white ledger" paper; and computer paper.~~
19. **Industrial Establishment** means any establishment engaged in manufacturing or processing, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
20. **Institutional Establishment** means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, ~~orphanages~~ day care facilities, schools and universities.
21. **Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, damaged and deteriorated furniture or

motor vehicle seats, vehicle parts, automotive products, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed. (14264 §1 3/3/05)

22. 21. Mixed office Paper means any combination of high grade office paper, white and colored paper, file stock, advertising advertisements, mail, magazines and catalogs and similar paper. (13219 §1 10/7/93)

23. 22. Municipal Establishment means any facility or building owned or operated by a local government or county government, local government or county government authority, State Government or agency or Federal Government or agency.

24. 23. Multi-family Dwelling means any building under one roof which contains two (2) or more complete dwelling units.

25. 24. Municipal Waste means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation or residential, municipal, commercial or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste. The term does not include source separated recyclable materials.

26. 25. Newspapers means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news, and opinions, ~~containing advertisements and other matters of public interest,~~ advertisements and circulars.

27. 26. Notice of violation is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14264 §1 3/3/05)

28. 27. Paperboard means a rigid, durable form of paper, often called cardboard, that is used for packaging and other end uses.

29. 28. Person means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

30. 29. Plastics Containers means empty and clean consumer product containers made of Polyethylene Terephthalate (PET), Polypropylene (PP), High Density Polyethylene (HDPE) and Low Density Polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk and other consumer food products or for household cleaning products or for personal care products. means bottles, jugs, containers and buckets marked with the #1 through #7 recycling symbol such as but not limited to soda, milk, water, liquid laundry bottles, yogurt, margarine, condiments, etc.

31. 30. Public Officer means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances. (14264 §1 3/3/05)

32. 31. Recyclable Material means a material ~~which would otherwise become municipal waste,~~ which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

33. 32. Recycling means the separation, collection, processing, recovery and sale or re-use of metals, glass, paper, plastics and other materials which would otherwise be disposed of as municipal waste.

34. 33. Recycling Facility means any facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term recycling facility shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

35. 34. Source Separate means to separate recyclable materials from the municipal waste stream at the point of waste generation.

36. 35. Solid Waste means any waste, including, but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials (Pennsylvania Solid Waste Management Act 97, Section 103). (12993 §1 8/15/90) (13219 §1 10/7/93)

37. 36. Steel and Tin Cans used as food and beverage containers.

37. 37. Violation Ticket is a form issued by a police officer or public officer to a person who violates a provision of this Article. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14264 §1 3/3/05)

38. 38. Yard Waste means leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials.

1139.02 ESTABLISHMENT OF A COMMERCIAL RECYCLING PROGRAM

A. There is hereby established a commercial recycling program for the mandatory source separation, separate collection and recycling of designated recyclable materials generated from all commercial, institutional, municipal and industrial establishments within the City and by residents of institutions, multi-family dwellings greater than twenty-five (25) residential units, multi-family dwellings approved for exemption from the City Curbside Collection Program and dwelling units located on private roads which are not served by the City's residential recycling collection system. Said owner who complies with the provisions of this Article shall not be liable for the non-compliance of their occupants. (14264 §1 3/3/05)

B. Collection of recyclable materials pursuant to this section shall be made once per month or more often, as necessary as determined by the Manager of the Bureau of Recycling and Solid Waste or designee. The storage of recyclable materials shall not result in litter or in the creation of a public nuisance. (14264 §1 3/3/05)

C. All commercial, institutional, municipal or industrial establishments, multi-family dwellings which are not part of the City's residential recycling collection system and sponsors of community activities serving over 200 people per day shall be required to source separate all specific designated recyclable materials generated on the premises and shall arrange for the collection for recycling of said materials. Recycling program development, implementation and operation shall be the responsibility of the same entity which contracts for the private collection and disposal of waste. (14264 §1 3/3/05)

D. Designated recyclable materials for commercial, industrial, institutional, municipal establishments, licensed food service establishments, community activities serving over 200 people per day and multi-family dwellings not included in the City Curbside Recycling Program and shall be determined by regulation from the following list: (14264 §1 3/3/05)

1. ~~High grade office paper~~ Grade Office Paper
2. ~~Mixed Office Paper~~
3. ~~Corrugated cardboard~~ Cardboard
4. ~~Aluminum cans, foil and pie plates~~ Cans, Foil and Pie Plates
5. ~~Ferrous cans (tin or steel can)~~ Steel and Tin Cans
6. Glass food and beverage containers (clear, brown and green)
7. ~~Plastics containers (PET and HDPE)~~
8. Newspaper
9. ~~Leaf waste~~ Yard Waste
10. Paperboard
11. Other recyclable materials as designated by the Manager of the Bureau of Recycling and Solid Waste or designee.

(14264 §1 3/3/05)

E. Commercial, and institutional and other approved establishments participating in the City Curbside Collection Program shall be responsible for the recycling of all corrugated cardboard generated by the establishments. (14264 §1 3/3/05)

F. The City reserves the right to add or remove recyclable materials as defined in Act 404, from its designated lists at any time. (12993 §1 8/15/90) (13219 §1 10/7/93)

1139.03 NON-INTERFERENCE WITH EXISTING CONTRACTS

A. Nothing contained in this ordinance shall be construed to interfere with or in any way modify the provisions of any existing contracts which are in force in the City on the effective date of this ordinance, as amended.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of recyclables shall be entered into after the effective date of this ordinance, as amended, unless such renewal or such contract shall conform to the requirements of this ordinance, as amended.

1139.04 REPORTING REQUIREMENTS

A. It shall be the responsibility of the owners/operators of all commercial, institutional, municipal, industrial and licensed food service establishments, sponsors of community activities serving over 200 people and multi-family dwelling units not included in the City Curbside Collection Program to annually submit to the City or upon request by the City, evidence of a current agreement/contract with a licensed collector for trash and separate recycling collection. (14264 §1 3/3/05)

B. It shall be the responsibility of the above-named owners/operators to submit a recycling report to the City on an annual basis. Said report shall identify the total tonnages of municipal waste generated and recyclable materials recovered per establishment, and the type and weight of individual recyclable materials recovered, along with the identification of the markets and destinations of each recovered recyclable material. All such reports of the previous year shall be submitted to the Bureau of Recycling and Solid Waste by January 31st, on forms provided by the City. (14264 §1 3/3/05)

C. It shall be the responsibility of the licensed trash haulers collecting municipal waste in the City to submit a recycling report to the City on an annual basis. Said report shall identify the tonnages of municipal waste generated per establishment, and the type and weight of individual recyclable materials recovered, along with the identification of the markets and destinations of each recovered recyclable material. All such reports of the previous year shall be submitted to the Bureau of Recycling and Solid Waste by January 31st, on forms provided by the City. (14264 §1 3/3/05)

D. It shall be the responsibility of all commercial recycling haulers collecting designated recyclable materials generated in the City of Allentown to submit a recycling report to the City on an annual basis. Said report shall identify individual establishments being serviced and the total tonnages of recyclable materials by type and weight of material that was processed along with the identification of the markets and destinations of each recovered recyclable material. All such reports of the previous year shall be submitted to the Bureau of Recycling and Solid Waste by January 31st, on forms provided by the City. (14264 §1 3/3/05)

E. All documentation shall be retained by haulers of trash and recyclable materials. Said documentation shall be available for inspection by City officials for a period of not less than five (5) years. (13219 §1 10/7/93)

F. The City reserves the right to require any additional information as deemed necessary by the Bureau of Recycling and Solid Waste. (12993 §1 8/15/90; 14264 §1 3/3/05)

1139.05 APPLICABILITY OF REGULATIONS

Any person or persons engaged in the collection, processing and marketing of designated recyclable materials and all householders, firms, corporations, co-partnerships and any and all persons who may or do produce designated recyclable materials shall at all times be subject to any and all legislation, which may from time to time be enacted by the City as needed to be consistent with the rules and regulations of Act 101. (12993 §1 8/15/90; 14264 §1 3/3/05)

1139.06 STORAGE AND PLACEMENT OF DESIGNATED RECYCLABLE MATERIALS (14264 §1 3/3/05)

A. General

It shall be the duty of every owner of property, premises or place of business within the City of Allentown where designated recyclable materials are produced and accumulated, by his/her own expense and cost, to provide and keep at all times, a sufficient number of containers to hold all designated recyclable materials which may accumulate during the intervals between collection of such recyclable materials by an authorized collector.

B. Containers and Storage in Multi-Family Dwelling Units

1. Owners of multi-family dwelling units shall provide each dwelling unit with a ~~container(s)~~ bin(s) sufficient to hold all designated recyclable materials accumulated by the occupants of the dwelling unit during the intervals between collections. ~~Containers~~ Bins provided for storage of designated recyclable materials shall remain the property of the owner of the multi-family dwelling unit and shall remain with the individual unit should the occupant vacate. (14264 §1 3/3/05)

2. All designated recyclable materials accumulated by owners and/or the occupants of multi-family dwelling units shall be placed in ~~containers~~ bins prior to transferring to containers as specified in Section C for collection by an authorized collector. The ~~containers~~ bins shall be durable, water tight and made of metal or plastic and marked with the recycling symbol or other acceptable markings. The containers shall be kept clean. (14264 §1 3/3/05)

C. Bulk Storage on multi-family dwelling, commercial industrial, municipal and institutional properties

1. Containers: Bulk Storage of designated recyclable materials on all multi-family dwelling properties which are using private collection shall be in bulk container(s) as specified in (a) below. Storage of designated recyclable materials on commercial, institutional, municipal and industrial properties shall be done in the same manner and keep kept in the same type of containers-bins as are required for multi-family dwelling properties except where the accumulation for each said property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Bulk Container arrangements shall include the following:

a. The type of bulk container to be furnished by the collector shall be acceptable to the Manager of the Bureau of Recycling and Solid Waste or designee. The bulk containers shall have lids to avert a public nuisance and litter problem and to protect the marketing quality of recyclable materials. Such lids must remain closed except when designated recyclable materials are being placed in or removed from the container. The containers shall be clearly marked with both the recycling symbol and with the type of material(s) to be deposited in the container. The containers shall be kept clean and in good repair. (14264 §1 3/3/05)

b. The number of such containers shall be agreed to between the collector and such owner or occupant of the multi-family dwelling, commercial, institutional, municipal or industrial property to be used in any collection period.

2. Location of Containers: Bulk Storage containers for collection at multi-family dwellings, commercial, institutional, municipal or industrial properties using private collection shall be located on such premises at a place agreed upon by such owner or occupant of the property and the authorized collector and shall not be unsatisfactory to the Department of Public Works. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings and shall be in compliance with all applicable laws. Bulk Storage containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement.

~~3. In census tracts nine (9), ten (10) and that portion of eleven (11) bounded on the north by Turner Street, the west by Hall Street, the south by Linden Street and the east by Church Street and including these establishments on both sides of the boundary streets of the above-mentioned areas, all designated recyclable materials generated by multi-family dwelling properties not included in the residential curbside recycling collection program and by commercial, institutional, municipal and industrial establishments that is to be collected at curbside shall be placed at curbside no earlier than after dusk prior to collection and removed by the authorized collector by 8:00 A.M. the following day. (12993 §1 8/15/90)~~

3. Property owners/operators of all commercial, institutional, municipal, industrial, licensed food service establishments, and multi-family dwelling units not included in City Curbside Collection must provide a location on their property for the storage of trash and recycling in between collections. Storage must be in compliance with all City of Allentown Ordinances and must not create a public nuisance or vector control issues. Exceptions and alternate storage locations may be subject to review and approval by the Bureau of Recycling and Solid Waste.

1139.07 PREPARATION OF DESIGNATED RECYCLABLE MATERIALS AND PLACEMENT FOR COLLECTION

A. Designated recyclable materials shall be separated and prepared in a manner consistent with recycling market requirements and placed at a designated area separate from municipal waste for collection at such times and dates as may be hereinafter established by regulation. No establishment may place municipal waste or recycling at the curblin e or in the public right-of-way for collection by a privately contracted Collector without written approval by the Bureau of Recycling and Solid Waste.

B. Commercial and institutional establishments participating in the City collection system shall separate, prepare and store designated recyclable materials in a manner consistent with the requirements of the City of Allentown. No establishment may place municipal waste or recycling at the curblin e or in the public right-of-way for collection by the City's Contracted hauler without approval by the Bureau of Recycling and Solid Waste and payment of the Municipal Waste and Recycling Fee. (12993 §1 8/15/90; 13219 §1 10/7/93)

1139.08 REQUIRED EDUCATION PROGRAM

Recycling education programs shall be developed for and instituted at all entities mandated to recycle by this ordinance as follows:

A. Multi-family Dwellings, Commercial, Institutional, Municipal Industrial and Food Service Establishments

It shall be the responsibility of all mandated establishments to adequately inform all employees, resident users occupants and patrons of the recycling program. The required educational program, at a minimum, shall include written instructions to all parties identifying the materials to be recycled, how the materials are to be prepared, how to use the collection system and updates detailing any changes in the program.

B. Community Activities

It shall be the responsibility of sponsors of all community activities to inform all employees as well as users (patrons) of the recycling program. The required educational program shall describe the recycling program's features and requirements. The recycling program shall require that receptacles for recyclable materials be clearly marked with both the recycling symbol and the type of material to be deposited in the receptacle or other marking as approved by the Director of Public Works. Recycling signs shall be prominently displayed stating the requirements of the recycling program. (12993 §1 8/15/90)

1139.09 EXEMPTION FROM PROGRAM REQUIREMENTS

Persons required to participate in the recycling program established herein may request an exemption to the requirements of this ordinance pursuant to Section 1501 of Act 101. All such requests must be made in writing to the Director of Public Works or designee and will be evaluated on a case by case basis ~~by the Solid Waste Appeals Board~~ as to approve, modify or deny the request. (12993 §1 8/15/90)

1139.10 COLLECTION AND TRANSPORTATION OF DESIGNATED RECYCLABLES

A. Collection

Collectors shall collect and remove all recyclable materials for which they are responsible to collect. Collectors shall return the recycling receptacle(s) to the premises from which they have been removed in a manner so as not to create litter or a public nuisance. (12993 §1 8/15/90; 14264 §1 3/3/05)

B. Transportation

Any person transporting designated recyclable materials within the City of Allentown shall prevent or remedy any spillage from vehicles or containers used in the transport of such designated recyclable materials. Such vehicles or containers shall not be overfilled and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Such vehicles shall be so constructed, loaded and driven as to prevent any portion of the load from falling out upon the streets or highways.

1139.11 COLLECTION BY UNAUTHORIZED PERSON(S)

A. It shall be a violation of this ordinance for any person(s) unauthorized by the City to collect or pick up or cause to be collected or picked up any recyclable material placed at curbside or designated location for storage and subsequent collection by authorized collectors. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

B. Notwithstanding any provision of this ordinance, any person having ownership of the same, may sell or donate recyclable materials for the purpose of recycling to any person, partnership or corporation, whether operating for profit or not for profit; provided, however, that such sold or donated material may not be placed for collection at or collected from the curbside. (12993 §1 8/15/90)

1139.12 ENFORCEMENT AND ADMINISTRATION

A. The City's Department of Public Works, the Bureaus of Recycling and Solid Waste and Health and other City enforcement bureaus are authorized and directed to enforce this ordinance. The Director of Public Works is hereby authorized to promulgate, establish reasonable rules and regulations in accordance with the terms hereof and any other matters required to implement this ordinance. The City may change, modify, repeal or amend any portion of said rules and regulations at any time. (12993 §1 8/15/90; 14264 §1 3/3/05)

B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place

of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has effected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Manager of Recycling and Solid Waste or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (14264 §1 3/3/05)

1139.13 VIOLATION TICKET APPEALS PROCESS

A. A person in receipt of a violation ticket may appeal to the Bureau of Recycling & Solid Waste by filing a request within ten (10) days receipt of the violation ticket.

B. A Hearing Officer, designated by the Manager of the Bureau of Recycling & Solid Waste, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14264 §1 3/3/05)

1139.14 SEVERABILITY

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect. (14264 §1 3/3/05)

1139.15 FINES AND PENALTIES (14264 §1 3/3/05)

A. Violation Ticket Fines

1. Violation tickets shall be issued in the amounts of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars. (14264 §1 3/3/05)

2. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of twenty-five (\$25) dollars or one hundred (\$100) dollars, as indicated on the violation ticket. (14264 §1 3/3/05)

B. Violation Ticket Penalties

1. If the person in receipt of a twenty-five (\$25) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20). (14264 §1 3/3/05)

2. If the person in receipt of a one hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25) dollar penalty for days eleven (11) through twenty (20). (14264 §1 3/3/05)

3. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation. (14264 §1 3/3/05)

C. Citation Fines (14264 §1 3/3/05)

That any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this article or of any regulation or requirement pursuant hereto and authorized hereby, shall upon conviction thereof be ordered to pay a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Thousand (\$1,000) Dollars and in default of payment of fine and costs, imprisoned not more than ninety (90) days. Each occurrence shall constitute a separate offense. (12995 §1 8/15/90)

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schwyer, Vice President	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on April 6th and signed by the Mayor on April 8, 2011.



 CITY CLERK

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

The Bill is originating from the Allentown Bureau of Recycling & Solid Waste.

- **Summary and Facts of the Bill**

The Commercial Recycling Ordinance, Article 1139, mandates recycling for commercial, institutional, multi-family dwellings (26+), licensed food service establishments and community events over 200 people per day to recycle in accordance with State law and City ordinance.

- **Purpose**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**

The proposed changes include the addition of certain recyclable items to the list of required recyclable materials as well as other housekeeping changes in the Definitions and in the body of the Article.

In order to increase recycling in Allentown, establishments and apartment complexes will be required to recycle cardboard, paperboard, newspaper and all types of paper as part of their recycling program.

- **What are the Benefits of doing this/Down-side of doing this**

The benefits of adding these recyclable material requirements will be an increase in recyclable materials captured and removed from the waste stream. This will increase Allentown's recycling and waste diversion rate and potentially increase grant revenue to the Solid Waste Fund.

- **How does this Bill related to the City's Vision/Mission/Priorities**

This Bill is consistent with the mission of the Bureau of Recycling and Solid Waste to continually improve and increase recycling in the City of Allentown.

- **Financial Impact**

- **Cost (Initial and ongoing)**

There is no additional cost to the City to implement these changes.

- **Benefits (initial and ongoing)**

The City of Allentown receives performance grant money based on the amount of recyclables diverted from the waste stream.

- **Funding Sources**

The Bureau of Recycling & Solid Waste oversees the commercial recycling program.

- **Priority status/Deadlines, if any**

The City requests consideration of these changes at its earliest convenience.

- **Why should Council unanimously support this bill?**