

Section 29

Title Six – Conduct, Article I – Regulated Rights and Actions, Chapter 619 – Refuse Collection and Recycling, is amended in order to make clarifications and changes to facilitate the requirements of **Act 47 Plan Initiatives PW01, PW02, PW03, PW04 and PW05:**

TITLE SIX: CONDUCT ARTICLE I – REGULATED RIGHTS AND ACTIONS CHAPTER 619: REFUSE COLLECTION AND RECYCLING

Section

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

§ 619.01 DEFINITIONS.

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

- (a) **ALUMINUM.** Empty aluminum beverage or food cans.
- (b) **BULKY RUBBISH.** All municipal waste that is too large to fit in or too heavy to be transported in a closed thirty-five (35) gallon container or a sealed box or plastic bag, or that is bundled in a size greater than three (3) feet.
- (c) **CHARITABLE or NONPROFIT INSTITUTIONS.** Any institutional establishments exempt from federal taxation under Section 501 of the Internal Revenue Code or any other organization that operates primarily for a social, literary, religious, civic or other charitable purpose, including churches, libraries, civic and community organizations, counseling and family centers, care-taking facilities and services for the poor.

(d) **COLLECTOR.** The entity or entities authorized by the City to collect municipal waste, recyclable materials and/or leaf waste from single-family dwellings or small apartment building, or authorized by the owners, operators or residents of multi-family dwellings or of commercial, municipal and institutional establishments, which do not receive collection services from the City, to collect materials from those dwellings or establishments.

(e) **COMMERCIAL ESTABLISHMENT.** Any establishment engaged in nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, lunchroom facilities and offices associated with manufacturing or processing business.

(f) **COMMUNITY ACTIVITIES.** Events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics, performances and organized sporting events attended by two hundred (200) or more individuals per day.

(g) **CONTAINER.** A portable device in which waste is held for storage or transportation

(h) **CORRUGATED CARDBOARD or CORRUGATED PAPER.** Cardboard that is composed of an inner fluting of material (corrugating medium) and one or two outer liners of material (linerboard).

(i) **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. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:

(1) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete; or

(2) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

(j) **HAZARDOUS WASTES.** Those wastes defined as hazardous under the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.103, as amended.

(k) **HIGH GRADE OFFICE PAPER.** Any bond, copier, letterhead or mimeograph paper sold as "white ledger" paper, and computer paper.

(l) **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.

(m) **INSTITUTIONAL ESTABLISHMENT.** Any establishment that serves groups of people including, but not limited to, hospitals, clinics, colleges, universities, public or private elementary or secondary schools, charitable institutions, nursing homes, youth homes, orphanages, convents, student housing, rehabilitation centers and day care centers.

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

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

(p) **MIXED PAPER.** All magazines and catalogs, junk mail, telephone books, paperboard including cereal boxes and clean paper. Expressly excluded from mixed paper are newsprint, napkins or paper towels. Rubber bands, metals (e.g. Compact Discs) and plastics (credit cards) must be removed.

(q) **MULTI-FAMILY DWELLING.** A building or a part of a building, designed, intended, or used as an apartment house, apartment hotel, tenement house, condominium, cooperative, single-room occupancy hotel, or other use in which there are more than five (5) dwelling units and/or where, in the case of a multi-tenant or condominium building, or complex of buildings, the building manager, owner, condominium association, or other management entity, arranges for storage of Municipal Waste in a container greater than a single 35-gallon container. In such case, the building or complex of buildings as a whole, and not the individual units thereof, shall be considered a multi-family dwelling.

(r) **MUNICIPAL ESTABLISHMENT.** Any establishment 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.

(s) **MUNICIPAL WASTE.** Any garbage, rubbish, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials and source-separated leaf wastes, or any materials that meet the definition set forth herein of residual or hazardous waste.

(t) **NEWSPRINT.** All Number 8 "news grade" paper (special de-ink quality), which includes any glossy and/or color inserts contained in the Sunday paper. Expressly excluded from this definition of "newsprint" are magazines, junk mail, packaging paper, cardboard, telephone books, catalogs and other miscellaneous paper products.

(u) **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.

(v) **PLASTIC CONTAINERS.** Clean empty plastic bottles, jugs or jars, numbers 1, 2, 3, 4, and 5, only, made of polyethylene - terephthalate (PET), high density polyethylene (HDPE), polyvinylchloride (PVC), low-density polyethylene (LDPE) and/or polypropylene (PP).

(w) **RECYCLABLE MATERIALS.** Those materials designated by ordinance, resolution or in the Waste Regulations issued by the Department of Environmental Services to be collected under the City's recycling program.

(x) **RECYCLING.** The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

(y) **RECYCLING FACILITY.** A facility employing a technology that is a process that separates or classifies recyclable materials 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.

(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 as, or intended for, or used as, a residence for a single family but excluding any parts of buildings, in which dwellings are located, that are also occupied by commercial, institutional or municipal establishments.

(bb) **SMALL APARTMENT BUILDING.** A building or a part of a building, designed, intended, or used as an apartment house, apartment hotel, tenement house, condominium, cooperative, single room occupancy hotel, or other residential use in which there are fewer than 6 dwelling units and/or the residents store and place at the curb municipal waste generated by them in single containers of not greater than 35-gallon capacity.

(cc) **SPECIAL HANDLING WASTE.** Municipal waste that requires the application of 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.

(dd) **STORAGE.** The containment of any waste on a temporary basis in such a manner as not to constitute disposal of the waste.

(ee) **APPLIANCE.** The meaning 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 promulgated pursuant to the Clean Air Act Amendments of 1990. (Clean Air Act, Secs. 601, 608, 42 U.S.C. Secs. 7671, 7671g). This term includes, but is not limited to, refrigerators, dehumidifiers, air-conditioners, freezers, chillers and water-coolers.

(ff) **WASTE REGULATIONS.** Regulations promulgated by the Director of the Department of Public Works in accordance with Section 111.01(b) of this Code.

(gg) **YARD WASTE.** Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

§ 619.02 MUNICIPAL WASTE COLLECTED BY CITY.

(a) *Single family dwellings and small apartment buildings.*

Except as otherwise provided in this section or the Act 47 Recovery Plan, the Department of Public Works/Environmental Services shall collect municipal waste from single family dwellings and small apartment buildings.

The Director of the Department of Public Works is hereby authorized and directed to establish Waste Regulations which will include provisions for the timely collection of municipal waste by the City or by the collector after public or national holidays.

(b) *Charitable or nonprofit institutions, municipal establishments and community activities organized by institutions and establishments.*

The Director of the Department of Public Works/Environmental Services is hereby authorized, at his or her discretion, either (i) to establish a fee schedule for the collection by the City of municipal waste, or (ii) not to collect municipal waste from charitable or nonprofit institutions and municipal establishments and from community activities organized by institutions and establishments. In exercising such discretion the Director shall take into consideration the City's need to remain competitive with private industry engaged in refuse collection as well as the cost to the City of administration of this Chapter. Council shall approve by resolution the initial fee schedule. The Director

shall issue regulations listing such fees and shall update them as necessary. The Director shall provide a thirty-day notice of any changes in the fee or collection schedule to all persons affected by this article.

(c) ***Commercial establishments and multi-family dwellings.***

Except as otherwise provided in this section, the Director of the Department of Public Works/Environmental Services is hereby authorized, at his or her discretion, either (i) to enter into agreements and to establish a fee schedule for the collection, by the City or by a contractor, of non-recyclable municipal waste, or (ii) not to collect non-recyclable municipal waste from commercial establishments and/or multi-family dwellings in the City. In fixing the fees the director shall take into consideration the City's need to remain competitive with private industry engaged in refuse collection as well as the cost of administration of this Chapter. Council shall approve by resolution the initial fee schedule. The Director shall issue regulations listing such fees and shall update them as necessary. The Director shall provide a thirty-day notice of any changes in the fee or collection schedule to all persons affected by this article.

d) ***Appliances for collection by the City.***

It shall be the duty of the Department of Public Works/Environmental Services to provide for directly or indirectly the collection and disposal of appliances from single family dwellings or small apartment buildings, including refrigerators, freezers, air conditioners, dehumidifiers and water coolers. The Director of the Department of Environmental Services is hereby authorized to revise existing rules and regulations, and/or make reasonable rules and regulations, and/or enter into contract or contracts for the recovery and/or recycling and/or reclamation of any appliance containing refrigerant 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).

e) ***Material not collected by the City.***

The Department shall not collect any waste that does not meet the definition of municipal waste (including but not limited to hazardous or residual waste) unless otherwise provided in this Chapter. The Department shall also not collect the following materials to the extent that they may be classified as municipal waste:

- (1) Demolition and construction wastes;
- (2) Human or animal fecal matter;
- (3) Sewage treatment residue;
- (4) Special handling wastes (except to the extent that special handling wastes may be appliances subject to § 619.02(d));

(5) Trees or parts of trees that have not been bundled in a size three (3) feet in length or less;

(6) Tires and lead acid batteries (unless otherwise provided by the Department in Waste Regulations);

(7) Household hazardous wastes (except under a program established pursuant to § 619.12, and except to the extent that household hazardous wastes may be appliances subject to § 619.02(d)); or

(8) Bulky rubbish that the Director determines is too large or too heavy to be handled by the City's municipal waste collectors in the City's municipal waste collection vehicles, provided that the Director may collect a maximum of three (3) bulky rubbish items as scheduled by the Department of Public Works/Environmental Services and set forth in the Waste Regulations .

Minimal amounts of the above wastes may be collected at the discretion of the Director.

(f) ***Storage and collection of municipal waste not collected by the City.***

(1) No person shall place or cause to be placed for collection by the Department any materials other than those permitted under subsection (a) hereof or pursuant to a program established under § 619.11.

(2) Every person generating waste other than waste permitted for collection by the Department under this section shall, upon written request from the Director, file within five (5) days of receipt of the notice, a sworn written statement giving the name and address of the collector who is collecting and disposing of the waste and the annual tonnage of the municipal waste and any other waste collected from their premises. No person shall permit the collection or disposal of waste by any collector who does not have all licenses and permits for the collection as required by law. A person disposing of its own waste shall annually file a written statement with the Department certifying that it disposes of its own waste and identifying the place of disposal and the amount of waste disposed of each year.

(g) ***Disposal of municipal waste by the City.***

All municipal waste collected by the Department shall be disposed of only at a landfill cited in the Allegheny County Solid Waste Management Plan-1990 or any subsequent revisions thereto.

§ 619.03 MUNICIPAL WASTE STORAGE, COLLECTION AND RECEPTACLES.

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

(b) Residents of single family dwellings or small apartment buildings shall place municipal waste for collection at the time and in the manner prescribed by Waste Regulations issued by the Department.

(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 municipal waste at the curb; provided, however, that such persons submit a written request for backyard collection and certify in the request that the residence is occupied solely by such persons.

(2) For the purpose of subsection (b)(1) hereof, "physical limitation" means any illness, injury, incapacity or other physical handicap which prevents the person from placing municipal waste at the curb; provided, however, that a physician certifies to the Department that such person is physically incapable of placing municipal waste at the curb. The certificate shall be renewed annually.

(c) For single dwelling and small apartment building rental dwellings where owners, lessors or managers do not provide containers for the City's collection of municipal waste, both the occupants and the owners of the dwellings shall be responsible for compliance with this section and any regulations issued hereunder.

(d) The Director is hereby authorized to issue regulations that provide for the collection of bulky rubbish, as defined in this Chapter or in the Waste Regulations, and dead animals separate from its regular collection.

(e) The Department may exercise its right to inspect municipal waste and/or recycling containers placed at the curb for collection in order to verify compliance with this Chapter and with the Waste Regulations issued by the Department.

(f) Municipal waste placed at the curb for collection shall continue to remain the responsibility of the generator of the waste until the municipal waste is collected by the collector or by the City. No other person or agent shall tamper with or remove such waste from the curb unless authorized by the generator or the collector or the City.

§ 619.04 ACCUMULATION OF MUNICIPAL WASTE.

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

(b) No owner, lessee or occupant of any vacant lot, private court or yard shall permit the accumulation of any municipal waste, recyclable materials, bulky rubbish, dirt or any other refuse or debris, thereon or on any abutting sidewalks or pavements.

(c) If any owner, lessee or occupant in violation of this section fails to remove, or to cause to be removed, accumulations of any municipal waste, recyclables, dirt, ashes, rubbish, tin cans, garbage, bulky rubbish or any other refuse or debris, as required, the City shall give five (5) days notice to the owner, lessee, or occupant to remove the same, except where such accumulation is deemed by the Operations Manager of Environmental Services to be a serious health or safety risk/hazard, in which case a shorter time limit may be specified.

If the condition has not been abated within the specified time limit, the Department of Environmental Services is authorized to abate the conditions by causing the removal of the accumulations. The City shall immediately thereafter be entitled to recover all costs to the City of such removal from the owner, lessee or occupant in an action at law in the Court of Common Pleas, and when the suit, with statement of claim, with description of the premises, is filed by the City, the prothonotary shall index it upon the judgment docket, and the City shall 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 of municipal waste, recyclable materials, bulky rubbish, dirt or other refuse shall be in addition to any fine or penalty imposed under section 619.14 of this Chapter for any violation of this Chapter or of the Waste Regulations hereunder.

§ 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.

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.

§ 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 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.

§ 619.07 OWNERSHIP OF RECYCLABLE MATERIALS.

(a) All recyclable materials placed by persons for collection by the City pursuant to this Chapter shall become the property of the City upon the City's removal of the recyclable materials from the curbside or other designated collection location. Nothing in this Chapter shall be deemed to impair the ownership of recyclable materials by the generator unless and until materials are collected by the City.

(b) The Department may exercise its right to inspect containers for recyclable materials placed at the curb for collection in order to verify compliance with this Chapter and with the Waste Regulations issued by the Department.

(c) Recyclable materials placed at the curb for collection shall continue to remain the responsibility of the generator of such waste until the recyclable materials are collected by the collector or the City.

§ 619.08 COLLECTION OF RECYCLABLE MATERIALS BY UNAUTHORIZED PERSONS.

It shall be a violation of this Chapter for any person other than the City or its authorized collector to remove, tamper with or otherwise disturb recyclable materials or their receptacles which have been placed for collection by the city. In addition to the fines set forth in § 619.14, any person violating this section shall be fined an amount equal to the value of any recyclable materials which have been removed.

§ 619.09 DISPOSITION OF RECYCLABLE MATERIALS FOLLOWING COLLECTION.

All collectors shall take the collected recyclable materials to a recycling facility to be recycled.

§ 619.10 CITY PROCUREMENT OF RECYCLED PRODUCTS.

The Department of General Services or its designee shall review and revise all product procurement specifications to purchase products containing recycled materials, wherever feasible. The Department shall submit an annual report to the Mayor and Council on its activities and progress in increasing its purchase of products containing recycled materials.

§ 619.11 LEAF WASTE.

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

(b) *Collection of leaf waste from residences.* The Directors of the Department of Parks and Recreation, the Department of Public Works and/or the Department of Environmental Services are hereby authorized to develop and implement a program for the collection and composting of leaf waste generated at residences and for the sale or other disposition of the composted leaf waste and are authorized to issue regulations for the administration and conduct thereof.

(c) *Collection of leaf waste from commercial, institutional and municipal establishments.* Persons who own or operate commercial, institutional and municipal establishments shall arrange for the storage, collection and composting of leaf waste generated at establishments, unless they have otherwise provided for the composting of their leaf waste. Persons who have otherwise provided for the composting of leaf waste generated at establishments shall file an annual report with the Director of the Department of Environmental Services giving its name and address (or addresses), the name and address of the collector or the composting facility to which the leaf waste is delivered, the annual tonnage of leaf waste, and any other information required under regulations issued by the Director. The Directors of the Department of Public Works or the Department of Environmental Services may, at his or her discretion, enter into agreements to collect leaf waste generated at charitable or nonprofit institutions or municipal establishments.

§ 619.12 HOUSEHOLD HAZARDOUS WASTES, TIRES AND LEAD ACID BATTERIES.

The Director of the Department of Environmental Services is hereby authorized to develop and implement programs for the collection and disposal of household hazardous wastes, tires and lead acid batteries and to issue regulations for the administration and conduct thereof.

§ 619.13 ADMINISTRATION AND ENFORCEMENT.

(a) The owner, occupant or lessor of a residence who makes arrangement for the collection of municipal waste, recyclable materials and/or leaf waste by a party other than the City shall upon request of the Director of the Department of Environmental Services file a sworn written statement as prescribed in § 619.02(f).

(b) The Director 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 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 waste in excess of one (1) time per week per single-family dwelling or small apartment building, (2) the collection of any contaminated recyclable materials and (3) the collection of bulky waste in accordance with Waste Regulation 4.04(c). 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, conditioned upon the timely payment of the fees, which shall be subject to refund if the aggrieved person prevails. 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.

§ 619.14 VIOLATION AND PENALTY.

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

§ 619.15 INCENTIVES.

The Directors of the Department of Environmental Services and Public Works are authorized to issue regulations to provide incentives for persons to participating in the recycling program.

§ 619.16 ADMINISTRATIVE REVIEW.

(a) *Initial evaluation.* The Recycling Coordinator and the Director of the Department of Environmental Services shall review the recycling program and all rules and regulations pertaining to such program six (6) months after the date of enactment. After the review the Director shall submit a written evaluation to Council, with recommendations, which includes a summary of waste reduction and marketability of

recycled materials, a review of enforcement procedures, public participation, and public education and information initiatives. The evaluation shall also include an analysis of costs related to collection, processing, tipping fees and any other related expenses incurred in connection with the recycling program.

(b) ***Annual report.*** For a period of three (3) years after the initial review, the Recycling Coordinator and the Director shall submit in writing to Council an annual report, with recommendations, of the recycling program and all rules and regulations. The report shall include a summary of actual and projected waste reduction figures, marketability of recycled materials, effectiveness of enforcement procedures, performance evaluation of contractors, public participation, and public education and information initiatives. The performance evaluation of contractors shall contain a determination of how well the contractor meets the terms and conditions of agreements made with the city. The report shall also include an analysis of costs related to collection, processing, including tipping fees, and any other related expenses incurred in connection with the recycling program.