

**BOROUGH OF OAKLAND
ORDINANCE NO. 21-CODE-860**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 4 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF OAKLAND
ENTITLED "GENERAL LICENSING" SECTION 4-12
ENTITLED "RECYCLING BINS".**

WHEREAS, the Mayor and Council have determined that it would be in the best interest of the citizens of the Borough of Oakland to amend the Ordinance regulating recycling bins.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oakland as follows:

SECTION I - Chapter 4 "General Licensing", Section 4-12 "Recycling Bins" is hereby amended and supplemented as follows:

Section 4-12 - *Recycling Bins*.

4-12.1 Definitions.

Receptacle. Shall mean any container regardless of size or construction that is used for the collection of used clothing.

4-12.2 Permit and Fees.

- a. No person, firm, partnership, corporation, whether for profit or not for profit, shall place or cause to be placed a receptacle within the Borough of Oakland without having first obtained a permit. Receptacles shall be located only on:
 - (1) Borough property as determined by the Mayor and Council in accordance with a contract to be entered into with the Borough. The Contract with the Borough shall establish a fee to be paid to the Borough in addition to the permit fee.
 - (2) Property owned by Oakland non profit entities.

- b. The application for a permit to place a receptacle within the Borough of Oakland shall be made in writing to the Borough Clerk and signed by the applicant. The application shall set forth:
 - 1. The name, address, email address and telephone number of the applicant, including the "bona fide" office of any entity that may profit from any clothing collected.
 - 2. The location where the receptacle is to be placed. A site plan delineating the location shall be submitted with the application.
 - 3. A yearly fee of \$25 made payable to the Borough of Oakland.
 - 4. The applicant must maintain a "bona fide" office, to be staffed with a representative who can be reached by telephone during normal business hours. For purposes of this section, the answering machine or answering service unrelated to the applicant does not constitute a bona fide office.
 - 5. The manner by which the collected clothing will be used, sold or dispersed.
- c. The permit issued shall only be valid for a one-year period. No permit shall be valid for a period in excess of one year.

4-12.3 Receptacle Size; Number and Identification

- a. No more than four (4) receptacles shall be placed in any location.
- b. Each receptacle shall not exceed five feet in depth or width and six feet in height.

- c. Each receptacle shall have an identifying logo, the Borough permit number, the expiration date, name, telephone number, and address of the person owning the bin or receptacle, and the name, address, email address and office telephone number of any person or entity which may share or profit from the clothing collected. Further, the receptacle shall include language indicated that any material left outside the receptacle will subject the violator to the penalties set forth in the Borough's littering ordinance (Revised General Ordinances of the Borough of Oakland, Section 3-1, et seq.)

4-12.4 Location.

The receptacle shall be located in such a manner as approved by the Borough. No permit shall be granted if the proposed placement constitute a safety hazard.

4-12-5 Maintenance.

The receptacles shall be maintained in a clean, sanitary condition, painted and in good working order. Each receptacle shall be emptied by the permittee regularly at a minimum of three times each week. The areas adjacent to the containers shall be kept clear of all boxes and debris.

4-12.6 Violations and Penalties.

The general penalty provision as contained in Section 1-5 of Chapter 1 of the Revised General Ordinances of the Borough of Oakland shall be applicable to this section. Every day on which a violation of any provision of this section exists shall constitute a separate violation. The Construction Office shall investigate any complaint from the public. If a bin operator does not rectify a violation, the Borough may seize the bin and sell the contents at public auction. All proceeds shall be paid to the Borough. Additionally, for any violation of this section which results in a seizure of the donation clothing bin, the Municipal Court may impose a penalty up to \$20,000.

SECTION II

All other parts, portions and provisions of Chapter 4 of the Code of the Borough of Oakland are hereby ratified and confirmed, except in the event of an inconsistency with the foregoing. In the event of any such inconsistency, the terms and provisions of Section I hereof shall be deemed to govern.

SECTION III

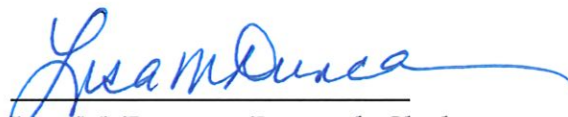
Should any part, portion or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof.

SECTION IV

This Ordinance shall take effect immediately upon publication and final passage according to law.


Linda H. Schwager, Mayor

ATTEST:


Lisa M. Duncan, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on October 27, 2021

Borough Clerk

