

Chapter 20

Solid Waste

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Part 1**Municipal Solid Waste****§20-101. Short Title.**

This Part shall be known and referred to as the “Municipal Solid Waste Ordinance.” (Ord. 558, 4/3/1995, §I)

§20-102. Definitions.

1. The following words and phrases as used in this Part shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

Act 97 - the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980), 35 P.S. §6018.101 *et seq.*

Act 101 - the Pennsylvania Municipal Waste Planning, Recycling, and Waste Production Act of 1988 (Act 101), 53 P.S. §4000.101 *et seq.*

Bulky waste - large items of solid waste, including, but not limited to, appliances, furniture, large auto parts, trees, branches, or stumps which may require special handling due to size, shape, or weight.

Collector or waste hauler - any person, firm, partnership, corporation, or public agency engaged in the collection and/or transportation of municipal waste.

Commercial establishment - any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office building, restaurants, shopping centers, and theaters.

Container - a portable device in which waste is held temporarily for storage or transportation.

County - the County of Westmoreland or the Westmoreland County Board of County Commissioners.

DEP - the Pennsylvania Department of Environmental Protection (DEP). [Ord. 624]

Disposal - the disposition, injection, dumping, spilling, loading, or placing of solid waste into or on the land or water in a manner that the solid waste enters the environment, is emitted into the air or is discharged to the water of the Commonwealth of Pennsylvania.

Domestic waste or household waste - solid waste, comprised of garbage and rubbish which normally originates in the residential private household or apartment house.

Garbage - any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Industrial establishment - any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

Institutional establishment - any establishment engaged in service, including,

but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

Leaf waste - leaves, garden residues, shrubbery, and tree trimmings, and similar materials, but not including grass clippings.

Licensed collector of licensed waste hauler - any municipal waste collector or hauler possessing a current, valid County license issued by the Westmoreland County Department of Planning and Development pursuant to County Ordinance No. 2-92.

Municipal waste - any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material insulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial, or institutional water supply, treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

Municipality - the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment, or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Rubbish - all nonputrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood, and yard cleanings.

Salvaging - the controlled removal or recycling of material from a solid waste processing or disposal facility.

Scavenging - the unauthorized and uncontrolled removal of material from places for collection or from a solid waste processing or disposal facility.

Solid waste - any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid, or contained gaseous material.

Storage - the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of the waste in excess of 1 year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Transportation - the off-site removal of any solid waste at any time after generation.

2. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 558, 4/3/1995, §II; as amended by Ord. 624, 1/19/2010)

§20-103. Prohibited Activities.

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough, any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with all applicable Department rules and regulation adopted pursuant to Act 97 and Act 101.

2. It shall be unlawful for any person to burn any solid waste, including leaf waste, within the Borough except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

3. It shall be unlawful for any person to process and/or dispose any solid waste in the Borough except in accordance with all applicable Department rules and regulations adopted pursuant to act 97 and Act 101.

4. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Borough without a current, valid County license issued by the Westmoreland County Solid Waste Authority. [*Ord. 624*]

5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited from collection within the Borough without prior written approval from the Borough.

6. It shall be unlawful for any person to salvage or reclaim any solid waste within the Borough except at an approved and permitted resource recovery facility or municipal waste management facility under any applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

7. It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for collection, or to discard or dispose of any lead acid battery except by delivery to a secondary lead smelter permitted by the U.S. Environmental Protection Agency, or a collection or recycling facility approved by the Department.

(*Ord. 558, 4/3/1995, §III; as amended by Ord. 624, 1/19/2010*)

§20-104. Standards for Storage of Solid Waste.

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage, or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness, or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regular scheduled collections, and shall place and dispose all waste materials therein. Disposal plastic bags or sacks are acceptable containers provided the bag or sack is designated for waste disposal and has sufficient wall strength to maintain physical integrity when lifted by the top. All bags or sacks shall be securely tied and the top and shall have a loaded capacity of not more than 30 gallons and shall have a loaded weight of not more than 40 pounds. [*Ord. 624*]

3. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's 25 Pa.Code, Chapter 285, Subchapter A, "Regulations for the Storage of Municipal Waste."

(*Ord. 558, 4/3/1995, §IV; as amended by Ord. 624, 1/19/2010*)

§20-105. Standards and Regulations for Collection.

1. The Borough shall provide for the collection of all garbage, rubbish, bulky wastes or any other municipal or residual solid waste from individual residences, multi-family residential sources with less or more than four units, commercial, institutional and industrial establishments through a contract with a private collector or collectors to provide the essential collection service.

2. All persons occupying individual residences, multi-family residential sources with less or more than four units, commercial, institutional and industrial establishments or parts thereof in the Borough shall utilize and subscribe to the private collector or collectors under contract with the Borough and shall make payments to the collector awarded the contract by the Borough.

3. No garbage shall be set out for pick-up before 24 hours prior to the time scheduled for pick-up. [*Ord. 624*]

(*Ord. 558, 4/3/1995, §V; as amended by Ord. 624, 1/19/2010*)

§20-106. Injunction Powers.

The Borough may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part.

(*Ord. 558, 4/3/1995, §VII*)

§20-107. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 558, 4/3/1995, §VIII; as amended by Ord. 624, 1/19/2010*)

Part 2**Residential Recycling****§20-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Aluminum cans - includes all disposable containers made and fabricated primarily of aluminum and most commonly used to contain soda, beer and other beverages.

Bimetal containers - empty food or beverage containers consisting of ferrous side and bottom and all aluminum top.

Box board / cardboard boxes - broken down food boxes and cardboard boxes.

Business - the legal owner, occupant or lessee of a commercial or cooperative enterprise, firm, partnership, corporation or association that engages in any form of business that does not have curbside collection of garbage, rubbish or refuse.

Collector - any person collecting or transporting recyclable materials for owners or occupants for the Borough of Mount Pleasant.

Glass - includes products used as bottles, jars and other glass containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matters of liquid and all other material commonly known as "glass," including green glass, brown glass and clear glass, excluding, however, blue and flat glass, commonly known as "window glass."

(1) *Clear glass* - other than green, brown or other color shades.

(2) *Colored glass* - green, brown or other color shades.

Municipal establishments - public facilities operated by the municipality and other governmental and quasi-governmental authorities.

Newspaper - includes paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest, specifically excluding magazines and periodicals.

Plastic containers - empty plastic food and beverage containers, consisting of No. 1 and No. 4 type plastic.

Public notice - publication in a newspaper of general circulation within the Borough one time, not more than 30 nor less than 10 days prior to the action or event, unless a different period is specified, and by posting such notice at the Borough building where other public notices are from time to time posted.

Recyclable materials / recyclables - those materials specified by the Borough for collection in accordance with this Part and recycling aluminum cans, clean green glass, brown glass, clear glass and plastic containers and newspaper. The list of "recyclables" may be revised from time to time as deemed necessary by resolution of the Borough of Mount Pleasant.

(Ord. 624, 1/19/2010)

§20-202. Establishment of Program.

1. On and after the effective date of this Part and under the regulations and schedules issued by the Borough in accordance with the terms of this Part, there is hereby established a municipal waste mandatory recycling program. This program requires the recyclable materials generated within the Borough set forth in §20-204 to be separated from other solid waste materials stored on the premises where generated until collection by or on behalf of the Borough.

2. The Borough may adopt by resolution regulation in regard to item separation, storage, placement for collection and like matter with respect to materials subject to this Part.

(Ord. 624, 1/19/2010)

§20-203. Applicability; Responsibilities of Owners or Landlords.

1. The provisions of this Part establishing a mandatory recycling program shall be applicable to those persons and properties who qualify to have their garbage, rubbish and refuse collected by the Borough or hauler licensed by the Borough of Mount Pleasant for residential units.

2. Owners or landlords of any multifamily residential units, such as apartments or condominiums, where individual residential refuse collection does not occur, shall be required to notify tenants of provisions of this Part. Containers or dumpsters shall be provided through arrangements with a collector, and source-separated or commingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations, and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multifamily residential units who comply with the requirements of this Section shall not be liable for the noncompliance of any persons or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multifamily residential units shall be responsible for separating recyclable materials and placing them in containers or dumpsters provided for such purposes by August 1, 1993.

§20-204. Recyclable Material.

1. The recyclable materials which are required to be prepared and placed for collection by or on behalf of the Borough shall include aluminum cans, colored glass, and clear glass, plastic, bimetal, box board, cardboard and newspapers. The Borough may from time to time, upon public notice, delete or add to the list of recyclables by resolution of the Mount Pleasant Borough Council.

A. *Collection.*

(1) The collector shall recycle all or part of this Section with the authorization of the Mount Pleasant Borough Council.

(2) The collector shall comply with all rules and regulations of this Chapter, and the collector shall provide written documentation quarterly to the Borough of Mount Pleasant that meets all requirements for Act 101 Annual Report.

2. *Date and Place of Collection.*

A. This Part shall establish an every other week schedule for pickup of recyclable materials. All recyclable materials shall be placed at the curbside or a similar location and separated from solid waste as directed. Times and dates shall be specified from time to time by the collector providing service for the owner or occupant.

B. The collector shall establish a schedule of collection of recyclables for each resident. The collector shall be responsible for notifying residents of the day and time collection will be made and types of materials being collected.

(Ord. 624, 1/19/2010)

§20-205. Collection by Unauthorized Persons Prohibited.

1. From the time of placement of the recyclable materials herein defined and designated at the curb or other designated place for collection by the Borough pursuant to the provisions of this Part and other rules and regulations adopted thereunder, said recyclable materials shall become and be the property of the collector providing service for the owner or occupant.

2. It shall be a violation of this Part for any person not duly authorized by the Borough to collect or pick up or cause to be collected or picked up any recyclable materials placed at the curb or any other designated place for collection pursuant to the provisions of this Part. Any and each such unauthorized collection and violation hereof from one or more residences shall be construed to be separate and distinct offenses punishable as hereinafter provided.

(Ord. 624, 1/19/2010)

§20-206. Violations and Penalties.

1. Any person who violates §§20-203.2 and .3 and 20-205.2 of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. Any person who violates or fails to comply with any other provisions of this Part, except §§20-203.2 and .3 and 20-205.2, and violates or fails to comply with any rule or regulation promulgated pursuant thereto, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 624, 1/19/2010)

