

BOROUGH OF TARENTUM
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 17-04

AN ORDINANCE OF THE BOROUGH OF TARENTUM REPEALING AND REPLACING ORDINANCE 91-6 AND ENACTING NEW PROVISIONS FOR THE REMOVAL AND COLLECTION OF SOLID WASTE IN THE BOROUGH

WHEREAS, the Borough of Tarentum is desirous of enacting updating its ordinance regarding the collection and disposal of solid waste in the borough; and

WHEREAS, the Borough of Tarentum desires to provide for the health, safety and welfare of its citizens, and has determined that these interests are served by repealing and replacing Ordinance 91-6 and updating it with this Ordinance; and

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Council of the Borough of Tarentum, Allegheny County, Pennsylvania, as follows:

Title.

This article shall be known and referred to as the "Solid Waste Ordinance."

Definitions.

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

ACT OR ACT 97

The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

AGRICULTURAL WASTE

Poultry and livestock manure or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and excepted as farms, forests or other agricultural lands.

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 their size, shape or weight.

COMMERCIAL ESTABLISHMENT

Any establishment engaged in nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

CONSTRUCTION DEMOLITION WASTE

All municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

COVERED DEVICE

Shall be the equivalent of "covered device" as defined in the Covered Device Recycling Act (Act 108 of 2010), as amended from time to time.

DEPARTMENT

The Pennsylvania Department of Environmental Protection.

DISPOSAL

The incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters 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, or vectors.

HAULER OR PRIVATE COLLECTOR

Any person, firm, copartnership, association or corporation who or which has been licensed by the borough or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.

HAZARDOUS WASTE

Any solid waste or combination of solid wastes, as defined in the act, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

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.

MUNICIPALITY

The Borough of Tarentum, Allegheny County, Pennsylvania.

MUNICIPAL WASTE

Garbage, refuse, industrial lunchroom or office waste or 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 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.

PERSON

Any individual, partnership, corporation, association, institution, cooperative enterprise, 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 article 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.

PROCESSING

Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

REFUSE

All solid waste materials which are discarded as useless.

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, wastewater treatment facility or all pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act. See 52 P.S. § 30.51 et seq. Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law.

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.

SCAVENGING

The unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

SEWAGE TREATMENT RESIDUES

Any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumping from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

SOLID WASTE

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

SOURCE-SEPARATED RECYCLABLE MATERIALS

Those materials separated at the point of origin for the purpose of being recycled.

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 any waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSFER STATION

Any supplemental transportation facility used as any adjunct to solid waste route collection vehicles.

TRANSPORTATION

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

- B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

Prohibited acts.

It shall be unlawful for any person to:

- A. Accumulate or permit to accumulate upon any public or private property within the borough any garbage, rubbish, bulky waste or any other borough or residual solid waste except in accordance with the provision of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.
- B. Burn any solid waste within the borough except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.
- C. Dispose of any solid waste in the borough except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.
- D. Haul, transport, collect or remove any solid waste from public or private property within the borough without first securing a license to do so in accordance with the provisions of this article.
- E. Scavenge any materials from any solid waste that is stored or deposited for collection within the borough without prior approval by the borough.
- F. Salvage or reclaim any solid wastes within the borough except at an approved and permitted resource recovery facility under Act 97 and any department rules and regulations adopted pursuant to Act 97.
- G. Throw, place or deposit or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the borough except as provided in this article.
- H. It shall be unlawful for any person to place in solid waste a covered device or any of its components.

Storage standards.

- A. 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.
- B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.
- C. Any person storing municipal waste for collection shall comply with the following preparation

standards:

- (1) All municipal waste shall be drained free of liquids before being placed in storage containers.
 - (2) All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.
 - (3) All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
 - (4) Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than four feet in length, not more than two feet in diameter and not more than 40 pounds in weight.
 - (5) Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than 40 pounds in weight.
 - (6) When specified by the borough or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.
- D. All municipal waste shall be stored in containers approved by the borough or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:
- (1) Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such manner as to be leakproof, weatherproof, insectproof and rodentproof.
 - (2) Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.
 - (3) Reusable containers for individual residences shall have a capacity of not less than 10 gallons nor more than 40 gallons, and a loaded weight of not more than 40 pounds.
 - (4) Disposable plastic bags or sacks are acceptable containers, provided that the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection and shall have a capacity of not more than 30 gallons and a loaded weight of not more than 35 pounds.
 - (5) All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.
- E. Any person storing municipal waste for collection shall comply with the following storage standards:
- (1) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
 - (2) Reusable containers shall be kept in a sanitary condition at all times. The interior of the container shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
 - (3) Containers shall be used and maintained so as to prevent public nuisances.
 - (4) Containers that do not conform to the standard of this article or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced

- by the owner upon notice from the borough or its designated representative.
- (5) Containers shall be placed by the owner or customer at a collection point specified by the borough or its designated representative.
 - (6) With the exception of pickup days when the containers are placed out for collection, the container shall be properly stored on the owner or customer premises at all times.
 - (7) Bulk waste items such as furniture, automobile parts, machinery, appliances and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.
 - (8) Containers for solid waste or recyclable materials shall be set out at the collection point no earlier than 4:00 p.m. on the day preceding the day designated for collection. The resident, occupant or person in charge of the property from which solid waste or recyclable materials have been collected shall remove or cause to be removed all emptied storage containers from the collection point not later than 10:00 p.m. on the day of collection. No storage container may be placed or maintained at the collection point except during the days and times listed in this subsection.
- F. The storage of all municipal waste from multifamily residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this article. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the borough.

Collection standards and regulations.

- A. The borough shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multifamily residential sources with fewer than three (3) units, or it may contract with a private collector or collectors to provide this essential residential collection service.
- B. All households and homeowners shall utilize the residential collection service provided by the borough unless they can demonstrate that they have made alternate arrangements that are consistent with this article and approved by the borough.
- C. All multifamily residential sources (with more than three (3) units), commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the borough's collector or any other properly licensed waste hauler of their choice and shall be required by this Ordinance to provide a refuse dumpster to their tenants that is large enough to store their solid waste until pickup.
- D. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with the borough's collector and payment of any required special fees.
- E. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The borough reserves the right to require more frequent collection when deemed necessary.
- F. Residential collection schedules shall be published regularly by the borough or its contracted hauler.
- G. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. or on Saturdays between the hours of 7:00 a.m. and 6:00 p.m., unless prior approval or any exception has been granted by the borough. No collection, hauling or transporting of solid waste shall be permitted on Sunday.

- H. All licensed haulers and haulers under contract with the borough shall comply with the following standards and regulations:
- (1) All municipal waste collected within the borough shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan 1990, or on subsequent revisions thereto.
 - (2) Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97 and must be licensed by the Allegheny County Health Department.
 - (3) All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
 - (4) Collection vehicles for rubbish and other nonputrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.
 - (5) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
 - (6) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

Collection and disposal charges.

- A. The government body of the borough shall be authorized to make funds available, in accordance with the laws and procedures of the borough, for the establishment, maintenance and operation of a municipal solid waste collection and disposal system or for the contracting of such service to a private collector.
- B. Annual fee schedules shall be published by the borough on any competitively bid residential collection service contract that may be awarded by the borough.
- C. The borough's contracted hauler and other licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal services provided to residential, commercial, institutional or industrial sources within the borough.

Appeals.

- A. All appeals shall be made, in writing, to the Council of the borough.
- B. Pending a reversal or modification, all decisions of the borough shall remain effective and enforceable.
- C. Appeals may be made by the following persons:
 - (1) Any person who is aggrieved by a new standard or regulation issued by the borough may appeal within 10 days after the borough gives notice of its intention to issue the new standard or regulation.
- D. The notice of appeal shall be served, in writing, and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the borough shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

Enforcement.

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

Violations and penalties.

Any person who violates any provision of this article shall, upon conviction, be guilty of a Summary Offense which is punishable by a fine of not less than \$300 nor more than \$500 or, in default of payment of such fine, then by imprisonment for a period of not more than 10 days, or both. Each day of violation shall be considered a separate and distinct offense.

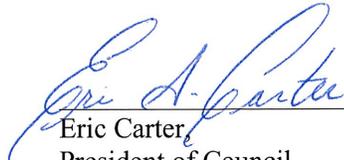
ORDAINED and ENACTED this 29TH day of DECEMBER, 2017.

ATTEST:

BOROUGH OF TARENTUM:



Borough Manager ,



Eric Carter,
President of Council

EXAMINED AND APPROVED by me this 29TH day of DECEMBER, 2017.



Carl Magnatta, Mayor

APPROVED AS TO FORM:



David A. Regoli, Esquire
Solicitor