

Chapter 20

Solid Waste

Part 1 Solid Waste

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

This Part shall be known and referred to as the "Frazer Township Solid Waste Ordinance."

(*Ord. 81, 4/6/1993, §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:

ACHD - the Allegheny County Health Department or its successor. [*Ord. 137*]

ACHD regulations - the ACHD Rules and Regulations, Article VIII, Solid Waste and Recycling Management, as amended. [*Ord. 137*]

Act or Act 97 - the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, as amended.

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 such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted 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 non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Composting - the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. [*Ord. 137*]

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.

Department - the Pennsylvania Department of Environmental Protection. [*Ord. 137*]

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, gases, or vectors.

Hauler or private collector - any person, firm, copartnership, association or corporation who has been licensed by the ACHD and who collects, transports, and disposes of refuse for a fee.

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:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- (2) 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.

Municipal waste - garbage, 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 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 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.

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 of 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 air 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, 52 P.S. §30.51 *et seq.*, as amended. 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, 35 P.S. §691.1 *et seq.*, as amended.

Rubbish - all non-putrescible 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 pumpings 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.

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.

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. 81, 4/6/1993, §2; as amended by Ord. 137, 7/5/2005*)

§20-103. Exceptions.

1. Manure which is not collected or hauled on a commercial basis, which is applied to land for fertilization purposes, and which is not intended to be collected or removed, shall not be regulated by this Part as agricultural or solid waste.

2. This Part shall not be construed to regulate materials collected for home composting, in compliance with "Home Composting - A Guide to Recycling Plant Waste at Home," published by the Allegheny County Division of Waste Management. This exclusion shall include grass, garden clippings, leaves, tree trimmings, and similar vegetation, which originate on a property and which is appropriately composted on that same property.

(*Ord. 81, 4/6/1993, §3*)

§20-104. Prohibited Activities.

It shall be unlawful for any person to:

A. Accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Part, any

Department rules and regulations adopted pursuant to Act 97 and the ACHD regulations.

B. Burn any solid waste within the Township except in accordance with the provisions of this Part, any Department rules and regulations adopted pursuant to Act 97 and ACHD regulations.

C. Dispose of any solid waste in the Township except in accordance with the provisions of this Part, any Department rules and regulations adopted pursuant to Act 97 and ACHD regulations.

D. Haul, transport, collect, or remove any solid waste from public or private property within the Township without first securing a license to do so from ACHD. Volunteers collecting refuse and similar solid waste on public property for eventual disposal in accordance with this Part shall not be required to obtain a license under this provision.

E. Scavenge any materials from any solid waste that is stored or deposited for collection within the Township.

F. Salvage or reclaim any solid wastes within the Township 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 Township except as provided in this Part.

(*Ord. 81, 4/6/1993, §4; as amended by Ord. 137, 7/5/2005*)

§20-105. Storage Standards.

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 or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

3. Any person storing municipal waste for collection shall comply with the following preparation standards:

A. All municipal waste shall be drained of free liquids before being placed in storage containers.

B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

C. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.

D. Garden clippings and tree trimmings shall be placed in containers acceptable to the hauler servicing the property or shall be cut and tied securely into bundles. Bundles shall be not more than 4 feet in length, not more than 2 feet in diameter and not more than 40 pounds in weight.

E. Newspapers and magazines shall be placed in containers or shall be tied securely into bundles of not more than 40 pounds in weight.

4. All municipal waste shall be stored in containers acceptable to the waste haulers collecting said waste.

5. Any person storing municipal waste for collection shall comply with the following storage standards:

A. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

B. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers 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.

C. Containers shall be used and maintained so as to prevent public nuisances.

D. Containers that do not conform to the standard of this Chapter 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 waste hauler.

E. Containers shall be placed by the owner or customer at a collection point specified by the waste hauler.

F. With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all, times.

G. 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.

6. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Part. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler.

(Ord. 81, 4/6/1993, §5)

§20-106. Collection Standards and Regulations.

1. All individual residences, multi-family residential sources, and commercial, institutional, and industrial establishments shall negotiate and individually contract for collection service with a properly licensed waste hauler.

2. All residential garbage and rubbish shall be collected at least once a week.

3. 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.

4. All haulers operating within the Township shall comply with the following standards and regulations:

A. All municipal waste collected within the Township shall ultimately be

disposed only at a landfill cited in the Allegheny County Solid Waste Plan - 1990, or on subsequent revisions thereto.

B. 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 ACHD.

C. 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.

D. Collection vehicles for rubbish and other nonputrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

5. Individual residences may jointly contract for the storage of residential municipal waste in accordance with §20-105.5. Any such contract shall provide for ultimate disposal in conformity with this Part. Non-commercial transportation of such residential waste to such storage shall not be subject to the prohibition on unlicensed haulage and transportation of solid waste in subsection .1.

6. An individual residence may dispose of municipal waste generated by that residence without a contract with a licensed waste hauler but otherwise in conformity with this Part and applicable laws and regulations provided that an appropriate statement shall be filed with the Township Code Official/Building Inspector. Said statement shall be filed in January of each year, beginning in 1994, shall be signed by an owner of the residence, and shall describe the means of disposal utilized for municipal waste from that residence. [*Ord. 137*]

(*Ord. 81, 4/6/1993, §6; as amended by Ord. 137, 7/5/2005*)

§20-107. Collection and Disposal Charges.

All properly licensed haulers operating in the Township 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 Township.

(*Ord. 81, 4/6/1993, §7*)

§20-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each

section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of any required notice of violation are hereby delegated to the Township Secretary, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Secretary or the Board of Supervisors shall deem appropriate.

(Ord. 81, 4/6/1993, §8; as amended by Ord. 137, 7/5/2005)

