

## **Chapter 20**

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

This Part shall be known and may be cited as the “Township of Ross Solid Waste Disposal Ordinance.”

(*Ord. 1814, 12/13/1993, §I*)

**§20-102. Definitions.**

*Ambulance authority building* - the Ross/West View EMS building.

*Community park* - any park including, but not being limited to, Ross Community Park owned and maintained by the Township of Ross.

*Contract* - the contract, prepared by the Solicitor of Ross Township, between the Township of Ross and the contractor.

*Contractor* - as utilized herein, the term “contractor” is defined as and used interchangeably with “hauler, collector and bidder.”

*Contract term* - the “length of the contract.”

*DEP* - the Commonwealth of Pennsylvania Department of Environmental Protection. [*Ord. 2288*]

*Dwelling units* - all one and two family dwelling units.

*Equipment* - the equipment required to collect and remove solid waste and recyclables.

*Franchise* - the exclusive right to collect and remove all solid waste and items designated by the Township of Ross.

*Manager* - the Manager of the Township of Ross.

*Municipal building* - the Ross Township municipal building.

*Municipal garage* - the Ross Township municipal garage.

*Ordinance* - the Township of Ross Solid Waste Disposal Ordinance.

*Rubbish, refuse and ashes* - shall include and consist of any and all items normally found around the household including, but being limited to, all items of furniture and appliances, newspapers and magazines (tied in bundles), empty paint cans, grass, weeds, trees and brush (provided trees and brush less than 6 inches in diameter shall be cut into lengths not over 4 feet and placed in containers or tied in bundles).

*Recyclables* - shall include, but not be limited to, clear and colored glass, aluminum, steel and bimetal cans, newsprint and PET 1 and 2 plastics.

*Solicitor* - the Solicitor of the Township of Ross.

*Solid waste* - shall include all garbage, refuse, rubbish and ashes including, but not limited to, all table and kitchen offals and waste including, cans or containers, broken dishes, glass and china ware together with all paper containers in which such material may be wrapped.

*Specifications* - the specifications prepared by the Township and submitted, as

required by law, to prospective bidders setting forth the terms, nature and extent of the contract to be entered into.

*Township* - the Township of Ross.

(*Ord. 1814, 12/13/1993, §II; as amended by Ord. 2288, 4/12/2010*)

**§20-103. Grant of Franchise.**

The proper officers and officials of the Board of Commissioners of the Township of Ross, after acceptance of bid from the lowest responsible bidder, shall and are hereby directed to adopt a resolution authorizing, empowering and directing the preparation and execution of an agreement with the contractor. The contract shall provide for the grant of the exclusive right, franchise and privilege to the contractor to collect, remove and dispose of solid waste as defined in the specifications from occupied dwelling structures and dwelling units within the Township of Ross for a specified period of time in accordance with the terms and provisions of the "Ross Township Solid Waste Specifications."

(*Ord. 1814, 12/13/1993, §III*)

**§20-104. Franchise is Exclusive.**

During the term of the contract, no other person, firm, corporation or other entity shall exercise the right, franchise or privilege of collection and/or removing and disposing of solid waste within the Township of Ross, except as may be permitted by the contract.

(*Ord. 1814, 12/13/1993, §IV*)

**§20-105. Residents Must Use Collection Service.**

All persons occupying dwelling structures and dwelling units as defined herein or the owners of the same in those instances where such owners are obliged to provide for such services in accordance with the provisions of a lease with a tenant, or other applicable circumstances, within the Township of Ross, be and are hereby required to utilize and subscribe to the aforesaid solid waste collection and disposal service, and to pay for the same in accordance with the rates and charges as are set forth in the aforesaid agreement.

(*Ord. 1814, 12/13/1993, §V*)

**§20-106. Time for Placement of Containers.**

Garbage cans and recyclable containers shall not be placed at the curb before 4 p.m. the day before the scheduled pick up.

(*Ord. 1814, 12/13/1993, §VI*)

**§20-107. Times of Collection.**

The contractor shall not collect any solid waste between the hours of 11 p.m. and 5 a.m.

(*Ord. 1814, 12/13/1993, §VII*)

**§20-108. Commercial and/or Nonresidential Hours of Collection.**

No provider of solid waste collection services to nondwelling units shall collect the same between the hours of 11 p.m. and 5 a.m.

(*Ord. 1814, 12/13/1993, §VIII*)

**§20-109. Dumping Prohibited.**

No person shall dump garbage, rubbish, grass, branches, tires, automotive parts, paint cans, building supplies and/or building materials at any place or location within the Township of Ross.

(*Ord. 1814, 12/13/1993, §IX*)

**§20-110. Penalties.**

1. Any person, firm or corporation who shall violate any provision 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. [*Ord. 2288*]

2. Any person, firm, corporation or entity who shall violate any of the provisions of §20-105 hereof, upon conviction thereof, shall be sentenced to pay a fine of \$25 plus costs for the first offense and a fine of \$50 plus costs for each subsequent offense and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [*Ord. 2288*]

3. Any person, firm, corporation or entity charged with violating any provision hereof shall be so notified, in writing, by the Ross Township Code Enforcement Officer or other designated public official. The violator may, within 48 hours after receiving the notice of violation, pay the applicable fine directly to the Township Treasurer in which event, no formal proceeding shall be commenced.

4. All fines set forth herein shall be paid over to the Ross Township Treasurer for the general use of Ross Township.

(*Ord. 1814, 12/13/1994, §X; as amended by Ord. 2288, 4/12/2010*)

**§20-111. Remedy for Violation.**

In addition to the fines and penalties herein set forth, the Board of Commissioners of the Township of Ross may authorize the Solicitor of the Township of Ross to institute, in the name of the Township of Ross, any appropriate action or proceeding to prevent and restrain any act, conduct, business or other thing constituting a continuing violation of any of the provisions of this Part.

(*Ord. 1814, 12/13/1993, §XI*)

**§20-112. Solid Waste Transportation Vehicle, Recycling Transportation Vehicle, Compactor Vehicle, Roll-Off Container, Solid Waste Storage Container, and Compactor Standards.**

1. Every solid waste transportation vehicle, recycling transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, and compactor used for the storage or transportation of solid waste, waste to be composted or source separated recyclable materials shall have a body constructed of easily cleanable,

nonabsorbent, waterproof material with no means of ingress or egress of animal pests.

2. All joints in the hauling or storage body of the solid waste storage container, the solid waste transportation vehicle, or the recycling transportation vehicle shall be effectively closed and smooth so that no dripping or leakage of draining water or liquid or any loss of debris can occur.

3. A. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, recycling transportation vehicle, and compactor shall be provided with a means of covering the solid waste to be hauled or storage, and of keeping such solid waste securely within the hauling or storage body. Waste shall be covered at all times unless actively being loaded or unloaded or otherwise exempt from being covered by this Section.

B. Roll-off containers shall be securely covered when being transported from a customer's location to a solid waste disposal facility, processing facility, or transfer station and anytime when containing putrescible waste.

C. The cover shall be either a tight metal hood or lid having adequate openings fitted with smoothly operating and unloading doors; or a heavy tarpaulin or other cover fitted with proper eyes, grommets, and tie ropes and hooks, whereby the cover can be held securely over the loaded wastes to prevent any waste from blowing or falling out of the hauling body during transportation.

D. Solid waste transportation vehicles, compactor vehicles, solid waste storage containers, compactors, recycling transportation vehicles, and roll-off containers which use tarpaulins for covers, are not required to be covered when empty.

4. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, and compactor shall be kept clean, and in good repair. Rusted through metal, punctures, and other holes constitute disrepair. The owner of the solid waste transportation vehicle, compactor vehicle, storage container, roll-off container, recycling transportation vehicle, or compactor shall be solely responsible for complying with this Section.

5. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, and compactor shall be cleaned as necessary to arrest odors, and to eliminate breeding places for insects.

6. No solid waste transportation vehicle, compactor vehicle, solid waste storage container, or compactor shall be used to transport food, food stuffs, or food additives intended for human consumption nor shall they be used to transport materials intended to be used as packaging for food, food stuffs or food additives intended for human consumption.

7. Every solid waste transportation vehicle, compactor, vehicle, solid waste storage container, roll-off container, and compactor used for hauling municipal waste shall be cleaned and sanitized before being used for purposes other than storage or transportation of waste.

8. No solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, or compactor without a permanent cover shall be loaded with waste to a level above the side wall height. A tarpaulin or similar cover is not a permanent cover.

9. No solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, or compactor shall be loaded with waste in a manner which will permit material to fall to the ground while it is in motion.

10. Loose paper, trash, and other waste matters shall be properly secured to prevent such material from blowing or falling out of the solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, or compactor.

11. Whenever vehicles are to be used for the transportation of solid waste containers or roll-off containers holding waste matter, the solid waste container or roll-off container becomes the hauling body of the vehicle and shall comply with the requirements of this Section pertaining to hauling bodies.

12. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, or compactor shall carry a legend on the sidewall that meets the following:

A. The sign shall include the name and business address of the person that owns the vehicle or conveyance.

(1) The name shall be the actually and commonly recognized name of the person. Abbreviations or acronyms are permissible if they do not obscure this meaning.

(2) The address shall include the City, State and five-digit zip code for the principal place of business for the person.

B. The sign shall include the specific type of solid waste or recyclable material transported by the vehicle or conveyance.

(1) Infectious or chemotherapeutic waste shall be designated:  
"INFECTIOUS/CHEMOTHERAPEUTIC WASTE"

(2) Municipal waste, including construction/demolition waste, shall be designated:

"MUNICIPAL WASTE"

(3) Residual waste shall be designated:  
"RESIDUAL WASTE"

(4) Mixed municipal and residual waste shall be designated:  
"MUNICIPAL/RESIDUAL WASTE"

(5) Source-separated recyclable material, leaf waste and yard waste and yard waste to be composted shall be designated:

"RECYCLABLE MATERIALS"

C. The sign solid waste transportation vehicles, compactor vehicles or recycling vehicles shall have lettering that is 6 inches in height. If available space for lettering is so limited that all letters cannot be 6 inches in height, the lettering shall be as close to 6 inches as possible. The sign on the solid waste storage containers, roll-off containers or compactors shall be clearly visible and easily readable.

D. The sign may be permanent or detachable.

13. Except for infectious waste, the storage of solid waste for more than 24 hours in a solid waste transportation vehicle or compactor vehicle is prohibited. Infectious waste may not be storage in an un-refrigerated environment for more than 48 hours; if the infectious waste is stored in a refrigerated environment (2° to 7° C) or in a frozen environment (-20° -18°C) the storage period may not exceed 5 days.

14. Any solid waste transporter or source-separated recyclables transporter discovering a violation of subsection .13, regarding residential infectious waste, of this Section, shall provide educational materials on the proper disposal of residential infectious waste to the offending occupants. The transporter may, at his discretion, notify the Township and the Department of second and subsequent offenses.

15. Any violator of this Section, upon conviction thereof, shall be subject to the following:

A. First offense a fine not to exceed \$500 and/or imprisonment not to exceed 30 days.

B. Second offense occurring within 1 year of the first offense a fine not to exceed \$1,000 and/or imprisonment not to 30 days.

C. Third offense occurring within 1 year of the first offense a fine not to exceed \$1,500 and/or imprisonment not to exceed 30 days.

D. All other offenses occurring within 1 year of the first offense a fine not to exceed \$2,000 and/or imprisonment not to exceed 30 days.

(*Ord. 1814, 12/13/1993; as added by Ord. 2007, 3/13/2000, §1*)

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**Part 2****Recycling****§20-201. Short Title.**

This Part shall be known and may be cited as the “Township of Ross Waste Reduction and Recycling Ordinance.”

(*Ord. 1710, 9/10/1990, §1*)

**§20-202. Authority.**

This Part is enacted pursuant to the Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980, 35 P.S. §6018.101 *et seq.*, and the Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988, 53 P.S. §4000.101 *et seq.*

(*Ord. 1710, 9/10/1990, §2*)

**§20-203. Purpose and Goals.**

It is the purpose of this Part to:

A. Require waste reduction and recycling as a means of managing municipal waste, conserving resources and supplying energy.

B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of municipal waste.

C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.

D. Establish and implement within the Township of Ross a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing or disposal facilities.

E. Recycle at least 25 percent of all municipal waste and source-separated recyclable materials generated in the Township of Ross on and after January 1, 1997.

F. The weight of volume of municipal waste generated per capita in the Township of Ross on January 1, 1997, should, to the greatest extent practicable, be less than the weight or volume of municipal waste generated per capita on the effective date of this Part.

G. Each person living or working in the Township of Ross shall be taught the economic, environmental, and energy value of recycling and waste reduction, and shall be encouraged through a variety of means to participate in such activities.

H. The Township of Ross shall, to the greatest extent practicable, procure and use products and materials with recycled content, and procure and use materials that are recyclable.

(*Ord. 1710, 9/10/1990, §3*)

**§20-204. Definitions.**

The following words and phrases when used in this Part shall have the meanings given to them in this Section unless the context indicates otherwise:

*Abatement* - the restoration, reclamation, recovery, etc., of a natural resource adversely affected by the activity of a person. [Ord. 2288]

*Average daily volume* - the mean daily volume received at a facility taking into account weather, seasonable variations, scheduled community cleanup days and other factors.

*Commonwealth agency* - the Commonwealth and its departments, boards, commissions, and agencies, Commonwealth owned universities, and the State Public School Building Authority, the State Highway and Bridge Authority, and any other authority now in existence or hereafter created or organized by the Commonwealth.

*Degradable plastic beverage carrier* - plastic beverage carriers that degrade by biological processes, photodegradation, chemodegradation or degradation by other natural processes. The degradation process does not produce or result in a residue or by-product considered to be hazardous waste.

*Department* - the Department of Environmental Protection of the Commonwealth and its authorized representatives. [Ord. 2288]

*Disposal* - the 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 this Commonwealth.

*Feasibility study* - a study which analyzes a specific municipal waste processing or disposal system to assess the likelihood that the system can be successfully implemented including, but not limited to, an analysis of the prospective market, the projected costs and revenues of the system, the municipal waste-stream that the system will rely upon and various options available to implement the system.

*Host municipality* - the municipality other than the county within which a municipal waste landfill or resource recovery facility is located or is proposed to be located.

*Leafwaste* - leaves, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clippings.

*Local public agency* -

(1) Counties, cities, boroughs, towns, townships, school districts, and any other authority now in existence or hereafter created or organized by the Commonwealth.

(2) All municipal or school or other authorities new in existence or hereafter created or organized by any county, city, borough, township or school district or any combination thereof.

(3) Any and all other public bodies, authorities, councils of governments, officers, agencies or instruments of the foregoing, whether exercising a governmental or proprietary function.

*Management* - the entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid wastes by any person

engaging in such process.

*Municipal recycling program* - a source separation and collection program for recycling the Township of Ross's waste or source separated recyclable materials, or a program for designated drop-off points or collection centers for recycling the Township of Ross waste or source-separated recyclable materials, that is operated by or on behalf of the Township of Ross. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of the Township of Ross. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

*Municipal wastes* - any 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 in the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, from a municipal, commercial, or institutional water supply treatment plant, waste treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

*Municipal waste landfill* - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.* The term does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

*Municipality* - the Township of Ross, Allegheny County, Pennsylvania.

*Operator* - a person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Part.

*Person* - any individual, partnership, corporation, association, institution, or cooperative enterprise. 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.

*Plastic beverage carrier* - plastic rings or similar plastic connectors used as holding devices in the packaging of beverages including, but not limited to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

*Pollution* - contamination of any air, water, land or other natural resources of the Township of Ross that will create, or is likely to create, a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other life.

*Postconsumer material* - any product generated by a business or consumer which has served its intended end use, and which has been separated or diverted from solid waste for the purposes of collection, recycling, and disposition. The term includes industrial byproducts that would otherwise go to disposal or processing

facilities. The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes.

*Processing* - any technology used for the purpose of reducing the volume or bulk of municipal 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.

*Project development* - those activities required to be conducted prior to constructing a processing or disposal facility that has been shown to be feasible, including, but not limited to, public input and participation, siting, procurement and vendor contract negotiations, and market and municipal waste supply assurance negotiations.

*Public agency* - any Commonwealth agency or local public agency.

*Recycled content* - goods, supplies, equipment, materials and printing containing postconsumer materials.

*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.

*Recycling facilities* - a facility employing a technology that is a process that separates or classifies municipal waste 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.

*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. The term shall not include coal refuse as defined in the Act of September 24, 1968, P.L. 1040, No. 318, known as the Coal Refuse Disposal Control Act, 52 P.S. §30.51 *et seq.* The term 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 Act of June 22, 1937, P.L. 1897, No. 394, known as the Clean Streams Law, 35 P.S. §691.1 *et seq.*

*Resource recovery facility* - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- (1) Any composting facility.
- (2) Methane gas extraction from a municipal waste landfill.

(3) Any separation and collection center, drop-off point or collection center for recycling or any source separation or collection center for composting leaf waste.

(4) Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

*Solid waste* - any waste including, but not limited to, municipal, residual or hazardous wastes including, solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

*Solid Waste Management Act* - the Act of July 7, 1980, P.L. 380, No. 97, 32 P.S. §680.1 *et seq.*

*Source-separated recyclable materials* - materials that are separated from municipal waste at the point or origin for the purpose of recycling.

*Storage* - the containment of any municipal 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 municipal waste in excess of 1 year constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

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

*Treatment* - any method, technique or process including, but not limited to, neutralization, designed to change the physical, chemical or biological character or composition of any municipal waste so as to neutralize such waste or so as to render such waste safer for transport, suitable for recovery, suitable for storage or reduced in volume.

*Waste reduction* - design, manufacture or use of a product to minimize weight of municipal waste that requires processing or disposal including, but not limited to:

(1) Design or manufacturing activities which minimize the weight or volume of materials contained in a product, or increase durability or recyclability.

(2) Use of products that contain as little material as possible, are capable of being reused or recycled or have an extended useful life.

(Ord. 1710, 9/10/1990, §4; as amended by Ord. 2288, 4/12/2010)

### **§20-205. Powers, Duties and Responsibilities of the Township of Ross.**

1. *Responsibilities.* The Township of Ross shall have the power and its duty shall be to assure the proper and adequate transportation, collection and storage of municipal waste which is generated or present within its boundaries, to assure adequate capacity for the disposal of municipal waste generated within its boundaries by means of the procedure set forth in §1111 of the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.1111 and to adopt and implement a program for the collection and recycling of municipal waste or source-separated recyclable materials as provided in this Part.

2. *Powers.* In carrying out its duties under this Section, the Board of Commissioners may adopt resolutions establishing procedures, regulations and standards for the recycling, transportation, storage and collection of municipal wastes, or source-

separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 *et seq.*, and the regulations promulgated pursuant thereto.

3. *Duties.* The Township of Ross shall implement the provisions of this Part by collecting, transporting, processing or marketing source separated materials or may contract, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection and storage of municipal waste and source-separated recyclable materials, if the recycling, transportation, collection or storage activity or facility is conducted or operated in a manner that is consistent with the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 *et seq.*, this Part and the regulation promulgated pursuant thereto. Any such person shall be jointly and severally responsible with the Township of Ross when carrying out its duties for transportation, collection or storage activity or facility.

(*Ord. 1710, 9/10/1990, §5*)

#### **§20-206. Designated Sites.**

The Board of Commissioners hereby requires that all municipal waste generated within its jurisdiction shall be disposed of or processed at a designated permitted facility. Such facility shall retain this part of a plan submitted to the Department of Environmental Protection pursuant to §501(a), (b) or (c) of the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.501(a),(b) or (c). Upon approval of a municipal waste management plan for the County of Allegheny by the Department, the site for the disposal or processing of the Township of Ross waste shall, thereafter, be designated thereby.

(*Ord. 1710, 9/10/1990, §6; as amended by Ord. 2288, 4/12/2010*)

#### **§20-207. Township of Ross Recycling Program.**

The Township of Ross hereby establishes and implements a source separation and collection program for recyclable materials in accordance with §1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.1501. The source separation and collection program shall include the following regulations:

A. Persons are hereby required to separate at least three materials, deemed appropriate hereafter, from other municipal waste generated at their homes, apartments and other residential establishments and to store such material until collection. At least three materials shall be designated periodically by resolution from the following: clear glass, colored glass, aluminum cans, steel and bi-metallic cans, high-grade office paper, newsprint, corrugated paper and plastics. Nothing in this Part shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection by the contractor.

B. Persons are hereby required to separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments until collection unless those persons have otherwise provided for the composting

of leaf waste. Leaf waste will be placed in Ross Township approved bags for collection.

C. Persons must separate high grade office paper, aluminum, corrugated paper and such other materials as may be designated by the Township generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this paragraph if that person submits documentation to the Township annually indicating that the designated recyclable materials are being recycled in an appropriate manner. If recyclable materials are collected by a collector other than the Township or its authorized agent, the collector shall provide the occupants of said establishments with the tonnage of materials recycled during the previous year. Occupants shall then submit an annual report to the Township reporting the tonnage of materials recycled during the previous year.

D. Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Township for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Township and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Township shall be responsible for leaving the allocated container within the residence or shall pay the replacement cost of the said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this Part.

E. The contractor shall collect recyclable materials from curbside or similar locations designated by resolution at least once per month from each residence or other person generating municipal waste in the Township of Ross.

F. An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with more than two units must comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. If recyclable materials are collected by a collector other than the Township or its authorized agent, owners, landlords shall submit an annual report to the Township reporting the tonnage of materials recycled during the previous year.

*(Ord. 1710, 9/10/1990, §7)*

**§20-208. Public Notice.**

The Township of Ross shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As a part of this program, the Township Manager shall at least 30 days prior to the initiation of the recycling program, and at least once every 6 months thereafter, notify all persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this Part. The Township Manager shall as he deems necessary and appropriate, place an advertisement in a newspaper circulating in the Township of Ross, post a notice in public places

where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers or utilize any combination of the foregoing.

(*Ord. 1710, 9/10/1990, §8*)

**§20-209. Drop-Off Centers.**

1. Persons who operate a municipal waste landfill, resource recovery facility or transfer station under contract within the Township of Ross shall establish at least one drop-off center at the location designated by the Township of Ross by resolution of the Board of Commissioners, for the collection and sale of at least three recyclable materials. The materials shall be chose by the Board of Commissioners pursuant to a resolution from the following: clear glass, colored glass, aluminum cans, steel and bi-metallic cans, high grade office paper, newsprint, corrugated paper and plastic. The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility. Each drop-off center must contain bins or containers where recyclable materials may be placed or temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least 8 hours per week, including 4 hours during evenings or weekends, pursuant to a schedule established by resolution of the Board of Commissioners.

2. Each operator shall, at least 30 days prior to the initiation of the drop-off center program and at least once every 6 months thereafter, provide public notice of the availability of the drop-off center. The operator shall place an advertisement in the newspaper circulating in the Township of Ross or provide notice in another manner approved by the Board of Commissioners.

(*Ord. 1710, 9/10/1990, §9*)

**§20-210. Commercial Licensing.**

Any private operator who has customers within the Township shall be required to obtain an annual permit from the Township. Applications shall be made on forms supplied by the Township. The Township shall charge an annual permit fee in such amounts as the Board of Commissioners shall, from time to time, mandate by resolution duly adopted. Said operator shall, on forms supplied by the Township and at such times as shall be required by the Township supply information concerning its customers and volume of recyclable items collected.

(*Ord. 1710, 9/10/1990, §10*)

**§20-211. Anti-Interference.**

It shall, after the date of the adoption hereof, be unlawful for any person to interfere with the Township's recycling program in any matter whatsoever, including, but not being limited to:

- A. Littering of recyclable materials placed for collection.
- B. Unauthorized removal of recyclable materials.
- C. Unauthorized removal of recyclable material containers.
- D. Destruction of recyclable materials and/or containers.

(*Ord. 1710, 9/10/1990, §11*)

**§20-212. Annual Report.**

On or before February 15 of each year, the Township Manager shall submit a report to the County of Allegheny which shall describe the weight or volume of materials that were recycled by the Township recycling program in the preceding year.

(*Ord. 1710, 9/10/1990, §12*)

**§20-213. Penalties.**

Any person, other than a Township official exercising his official duties, who violates any provisions of this Part, any resolution enacted hereunder on the terms or conditions of any contract awarded in the implementation of this Part, upon conviction thereof, shall be sentenced to pay 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 shall constitute a separate offense.

(*Ord. 1710, 9/10/1990, §13; as amended by Ord. 2288, 4/12/2010*)



**Part 3****Home Composting****§20-301. Definition.**

Home composting as a means of recycling plant waste at home is hereby encouraged.

(*Ord. 1799, 2/8/1993, §601*)

**§20-302. Participants.**

All person desiring to participate in a home composting program are hereby further encouraged to procure and read the pamphlet entitled "Home Composting—A Guide to Recycling Plant Waste at Home," prepared by the County of Allegheny Division of Waste Management.

(*Ord. 1799, 2/8/1993, §602*)

**§20-303. Prohibited Materials.**

The following material is prohibited from being added to the compost pile:

- A. Bones.
- B. Dog or cat waste.
- C. Oil, grease or fat.
- D. Wood ashes.
- E. Dairy products.
- F. Invasive weeds.
- G. Table scraps.
- H. Diseased plants.
- I. Meat or fish scraps.
- J. Weeds with seeds.
- K. Tires and/or like and similar rubber products.

(*Ord. 1799, 2/8/1993, §603*)

**§20-304. Location From Property.**

The compost pile shall be located no less than 20 feet from any property line and must be from said property and not brought in from another location.

(*Ord. 1799, 2/8/1993, §604*)

**§20-305. Compost Containers Required for Certain Homeowners.**

All homeowners composting on a lot less than ½ acre must utilize an approved composting container. Said composting containers shall be approved by the Township Code Enforcement Officer.

(*Ord. 1799, 2/8/1994, §605*)

**§20-306. Enforcement.**

Upon the receipt of any complaint of any citizen in the Township of Ross concerning another's composting the same shall be referred to the Ross Township Code Enforcement Officer who shall:

- A. Conduct an investigation in an attempt to ascertain the cause of the complaint.
- B. Review with the composter the provisions of this Part and the County of Allegheny home composting guide.
- C. Issue a warning.
- D. Upon receipt of the second complaint, shall ascertain if the within Part has been violated and, if so, may issue a citation for the violation thereof.

*(Ord. 1799, 2/8/1993, §606)*

**§20-307. Penalties.**

Any person who violates the within Part shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$50 plus costs for the first violation and be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs for every subsequent violation and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. A person found guilty shall also be required to pay all court costs.

*(Ord. 1799, 2/8/1993, §607; as amended by Ord. 2288, 4/12/2010)*

**Part 4****Operation of Solid Waste Landfills****§20-401. Local Regulations.**

The following be and they are hereby established and adopted as local regulations governing the operation of solid waste landfills in the Township of Ross, such regulations being in addition to and compatible with Allegheny County Health Department Regulations and with the Pennsylvania Department of Environmental Protection regulations and permit conditions: [*Ord. 2288*]

A. That air pollution on the site shall be minimized by the appropriate and effective use of water trucks, calcium chloride or any other device, chemical or system which will effectively accomplish the desired result.

B. That noise from engines, bulldozers, high-lifts, trucks and the like used in the operation of the landfill shall be minimized by periodic inspections and constant maintenance.

C. That the days and hours of operation of the landfill shall be 7:30 a.m. to 4:30 p.m. prevailing local time, Monday through Friday, and shall be 8 a.m. until 12 p.m. prevailing local time on Saturday. Any such landfill shall be closed on Sundays and on public holidays.

D. That no vehicles or equipment shall enter the site prior to 7:30 a.m. prevailing local time, Monday through Friday, nor prior to 8 a.m. prevailing local time on Saturday, and operators of vehicles delivering to the site which arrive before said times shall shut down said vehicles while awaiting to enter the site.

E. That mud shall not be deposited nor be permitted to be deposited on the public street adjacent to the site from any vehicles leaving the site, and the operator of the landfill shall have the responsibility of maintaining any vehicles leaving the site in such a condition as will effectively eliminate such deposits, and in addition, the private access roadway to any such site shall be maintained by the operator of the landfill in a broom-clean condition.

F. That at such times as the elevation of the landfill has been raised by filling or otherwise to within 20 feet of the elevation of the public road adjacent to the landfill, the operator of the landfill shall, at his or its own expense, install a planted visual barrier along such public road at the edge of the right-of-way to aid in containing noise and air pollution within the site as much as possible, and to protect the aesthetics of the surrounding land uses.

G. That appropriate fencing shall be installed around the perimeter of the landfill set back a distance of 10 feet from the property line, that night lights, sensors, warning bells and the like which may be installed to better secure the premises of the landfill shall be so placed, installed and situated as to least interfere with adjacent and surrounding properties.

H. That the operator shall immediately notify the Township Manager of any extraordinary or unusual occurrences at the site.

I. That the hours of operation of the landfill may be extended upon notice to

the Township through the Township Manager, Assistant Manager or Building Code Official in cases or instances involving emergency conditions such as for the purpose of disposing of debris resulting from fire, explosion, or similar occurrence outside of the hours of operation set forth herein provided that the Township Manager, Assistant Manager or Building Code Official agrees that such emergency exists which requires the utilization and operation of the facility beyond the hours of operation set forth herein. To the extent possible, work at the site under such conditions shall be kept to an absolute minimum and shall be confined to those times as prescribed by the Township Manager, Assistant Manager or Building Code Official. [*Ord. 2288*]

(*Ord. 1438, 8/8/1983, §1; as amended by Ord. 2288, 4/12/2010*)

**§20-402. Penalty.**

Any person, firm or corporation who shall violate any of the provisions 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.

(*Ord. 1438, 8/8/1983, §2; as amended by Ord. 2288, 4/12/2010*)