

Chapter 20

Solid Waste

Part 1

Municipal 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. 338, 12/14/1992*)

§20-102. Definitions.

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

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 Reduction 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 who is 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 buildings, restaurants, shopping centers and theaters.

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

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

Department or DEP - the Pennsylvania Department of Environmental Protection (DEP).

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 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.

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.

Licensed collector or licensed waste hauler - any municipal waste collector or hauler possessing a current, valid permit issued by the Allegheny County Health Department or similar agency.

Municipality - the Borough of Thornburg, Allegheny County, Pennsylvania.

Municipal waste - 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 under Act 97 from a municipal, commercial or institutional waste supply treatment plant, wastewater treatment plant or air pollution control facility.

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 any 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 placed 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 any 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. *Word Usage.* In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 338, 12/14/1992)

§20-103. Prohibited Activities.

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

2. It shall be unlawful for any person to burn any solid waste within the

municipality 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 municipality 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 collect, haul, transport or remove any solid waste from public or private property within the municipality without a current valid permit to do so issued by the Allegheny County Health Department or other applicable agency.

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

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

(*Ord. 338, 12/14/1992*)

§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 regularly scheduled collections and shall place and store all waste materials therein.

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 Pa.Code, Chapter 285, subchapter A, "Regulations for the Storage of Municipal Waste."

(*Ord. 338, 12/14/1992*)

§20-105. Standards and Regulations for Collection.

1. All households, homeowners and commercial, industrial and institutional establishments within the municipality shall utilize the services of a licensed collector for disposal of domestic waste or household waste.

2. All licensed collectors and waste haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's 25 Pa.Code, Chapter 285, subchapter B, "Regulations for Collection and Transportation of Municipal Waste."

3. All municipal waste collected within the municipality shall only be conveyed or transported to a transfer station, processing facility and/or disposal site permitted by the Department of Environmental Protection and/or other regulatory agencies pursuant to the approved Municipal Waste Management Plan for Allegheny County.
[*Ord. 387*]

(*Ord. 338, 12/14/1992; as amended by Ord. 387, 12/14/2009*)

§20-106. Licensing Requirements.

No person shall collect, remove, haul or transport any municipal or solid waste upon or through any streets or alleys of the municipality without first obtaining a license from the Allegheny County Health Department or similar agency.

(Ord. 338, 12/14/1992)

§20-107. Injunction Powers.

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

(Ord. 338, 12/14/1992)

§20-108. Violations and Penalties.

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. 338, 12/14/1992; as amended by Ord. 387, 12/14/2009)

§20-109. Placement for Collection.

1. *Placement for Collection.* No trash, garbage, rubbish, recyclable materials or refuse of any kind or nature may be placed in the front yard or at the curb line of any property prior to 6 p.m. on the day preceding the day designated for the pick-up of trash, garbage, rubbish, recyclable materials or other refuse from such property.

2. *Definitions.* As set forth in this Section, the words “trash, garbage, rubbish, recyclable materials or other refuse” shall be deemed to include the container or containers in which such trash, garbage, rubbish, recyclable materials or other refuse may be placed, and this Section shall apply to such containers, whether they may be filled or empty.

3. *Removal of Containers Following Collection.* The resident, occupant or person in charge of the property from which trash, garbage, rubbish, recyclable materials or other refuse has been picked up shall remove or cause to be removed from the curb line, and/or the front yard, and shall cause to be placed out of view from the street the emptied trash, garbage, rubbish, recyclable materials or other refuse container or containers; said removal shall be accomplished not later than 12 midnight on the day of pickup.

(Ord. 338, 12/14/1992; as added by Ord. 367, 4/14/2003, §I)