

**GARBAGE, RUBBISH, AND OTHER REFUSE**

**100.00 Municipal Solid Waste Ordinance:**

**101.00 DEFINITIONS:**

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

**102.00** *Act 97* -- The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980), as amended and/or supplemented.

**103.00** *Act 101* -- The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), as amended and/or supplemented.

**104.00** *Authority* -- shall mean the Crawford County Solid Waste Authority, the designated County implementing agency for the Crawford County Municipal Waste Management Plan.

**105.00** *Borough* -- shall mean the Borough of Saegertown, Crawford County, Pennsylvania.

**106.00** *Bulky Waste* -- shall mean 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.

**107.00** *Collector or Waste Hauler* -- shall mean any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of municipal waste.

**108.00** *Commercial Establishment* -- means any establishment engaged in nonmanufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

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

**110.00** *County* -- shall mean the County of Crawford or the Crawford County Board of County Commissioners.

**111.00** *Department or DEP* -- shall mean the Pennsylvania Department of Environmental Protection (DEP).

**112.00** *Disposal* -- means 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.

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

**114.00** *Garbage* -- means 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.

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

**116.00** *Institutional Establishment* -- means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

**117.00** *Leaf Waste* -- Leaves (including pine needles), garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

- 118.00** *Licensed Collector or Licensed Waste Hauler* -- shall mean any municipal waste collector or hauler possessing a current, valid County License issued by the Crawford County Solid Waste Authority pursuant to County Ordinance No. 1-1992 as amended and/or supplemented.
- 119.00** *Municipal Waste* -- means 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 water supply treatment plant, wastewater treatment plant, or air pollution control facility.
- 119.10 The term does not include source- separated recyclable materials.
- 120.00** *Municipality* -- shall mean the Borough of Saegertown, Crawford County, Pennsylvania.
- 121.00** *Person* -- means 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.
- 121.10 In any provisions of this Ordinance 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.
- 121.00** *Rubbish* -- means 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.
- 123.00** *Salvaging* -- The controlled removal or recycling of material from a solid waste processing or disposal facility.
- 124.00** *Scavenging* -- means the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.
- 125.00** *Solid Waste* -- means any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.
- 126.00** *Storage* -- means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.
- 126.10 It shall be presumed that the containment of any waste in excess of one year shall constitute disposal;
- 126.20 This presumption can be overcome by clear and convincing evidence to the contrary.
- 127.00** *Transportation* -- means the off-site removal of any solid waste at any time after generation.
- 130.00** (Reserved)
- 140.00** (Reserved)
- 150.00 In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.
- 200.00** **PROHIBITED ACTIVITIES:**
- 200.10 It shall be unlawful for any person to accumulate or permit to accumulate upon 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.
- 200.20 No person shall place any refuse in any street, alley or other public place nor upon any private property whether

owned by such person or not within the Borough except it be in proper receptacles for collection in accordance with this ordinance or under express approval granted by the Borough Council.

- 200.21 No person shall throw or deposit any refuse in any stream or other body of water nor upon any public street, park or other grounds.
- 200.30 Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and prohibited.
- 200.31 The failure to remove any accumulation of refuse within seven (7) days after notice to do so shall be deemed a violation of this ordinance and subject such violator to the penalties and/or remedies provided herein.
- 200.40 It shall be unlawful for any person to burn any solid waste, including leaf waste (including pine needles) and/or brush, within the Municipality except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
- 200.50 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.
- 200.60 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 license to do so issued by the Crawford County Solid Waste Authority and/or other appropriate authorities.
- 200.70 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.
- 200.80 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 applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
- 200.90 It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for collection, or to discard or dispose of any lead acid battery except by delivery to a secondary lead smelter permitted by the U.S. Environmental Protection Agency, or a collection or recycling facility approved by the Department.
- 201.00 It shall be unlawful for any person to place any paint or paint cans that are not completely empty or dry in mixed municipal solid waste for collection. Empty containers must be placed next to the refuse for inspection by the refuse collector to determine if the paint meets collection standards
- 201.10 It shall be unlawful for any person to place oil or any other hydrocarbon or polar solvent in mixed municipal solid waste for collection. Empty containers must be placed next to refuse for inspection by the refuse collector to determine if the materials meet collection standards.
- 201.20 It shall be unlawful for any person to place any item listed as “hazardous material” in mixed municipal solid waste for collection. Empty containers must be placed next to the refuse for inspection by the refuse collector to determine if the material meets collection standards.
- 201.30 Any container that is deemed not suitable for collection by the refuse collector, shall be removed from the street or curb within twenty-four (24) hours after collection, and shall be disposed of properly.
- 210.00 Bring Waste into the Borough:**
- 210.10 It shall be unlawful for any person to bring or transport into the Municipality any solid waste from outside the Municipality except in accordance with all applicable Department rules and regulations.
- 210.11 Residents may bring for removal personal trash accumulated from vacations or camping trips provided the amount is no greater than what would have been normally accumulated by the resident.

210.20 And/or with the express, written permission of Borough Council.

**300.00 STANDARDS FOR PRE-COLLECTION AND STORAGE OF SOLID WASTE:**

**301.00 Preparation of Refuse:**

301.10 All garbage and/or rubbish before being placed in garbage cans for collection shall have drained from it all free liquids;

301.20 Garbage may be wrapped in paper, plastic or other containers.

301.30 All garbage and/or rubbish shall be placed for collection at the curbside of the property not more than 24 hours before the time scheduled for collection.

301.40 All containers used to hold garbage must be removed from the curbside of the property not more than 24 hours after the time of collection, and must be stored next to a garage or house away from the curb.

**302.00 Garbage and Rubbish Containers:**

302.10 Garbage and/or rubbish receptacles shall be made of metal, plastic or similar material;

302.11 Receptacle shall be watertight and provided with a tightfitting cover.

**302.50 Garbage becoming litter:**

302.51 Any garbage that is placed at curbside for pick-up, that is blown around, or scattered by any means, intentional or unintentional, including by animals, shall be considered litter by the owner, and must be completely picked up within 24 hours of the scheduled garbage collection, or it shall be a Class D violation of this ordinance as set by resolution of Council, no warning necessary.

302.52 Refuse contractor shall not be responsible for garbage that has been spread from containers by any means while placed at curbside.

302.53 Property owner and the resident shall each be liable individually for violations under section 302.51.

302.60 Quantities of refuse permitted to be placed at the curb in receptacles or containers may be set by resolution from time to time.

302.70 In the event that a residential unit may have more than is permitted pursuant to this provision or may have large items for disposal, then the Secretary of the Municipality shall be notified so that proper arrangements may be made with the Municipality and its hauler.

302.80 The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents;

302.81 To eliminate conditions harmful to public health;

302.82 Or which create safety hazards, odors, unsightliness or public nuisances.

302.90 All garbage and rubbish receptacles shall be thoroughly cleansed after garbage or rubbish is removed by the collector.

302.95 Any garbage and/or refuse receptacle that does not conform to the provisions of this ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice.

302.98 Upon failure to comply with such notice, the said defective receptacle may be removed as refuse.

**303.00 STANDARDS AND REGULATIONS FOR COLLECTION:**

303.10 All refuse collected in the Borough of Saegertown shall be collected, conveyed and disposed of by the Borough and the cost of such service shall be paid for hereinafter provided by the owner of the property from which such refuse is removed.

303.20 It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough, or dispose of, any refuse accumulated in the Borough other than the person with whom the Borough contracts for the collection, conveyance and disposal of such refuse.

303.30 The collection and disposal of refuse in the Borough of Saegertown shall be under the supervision of the Borough Council.

303.40 The Council shall have the authority by Resolution to make regulations concerning the days of collection, the type and location of waste containers, and such other matters pertaining to the collection and disposal as it may deem advisable, and to change and modify the same after appropriate notice;

303.50 Provided that such regulations are not contrary to the provisions of this ordinance.

303.60 The regulations of Council shall be deemed to be part of this Ordinance for all purposes including the enforcement of the provisions and/or remedies provided in this Ordinance.

303.70 All refuse shall be transported within the Borough in vehicles which comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter B Regulations for Collection and Transportation of Municipal Waste, as same may be amended and/or supplemented.

303.80 All municipal waste collected within the Municipality shall only be conveyed or transported to a transfer station, processing facility, and/or disposal site designated by the Crawford County Solid Waste Authority pursuant to the approved Municipal Waste Management Plan for Crawford County.

**304.00 Frequency of Collection:**

304.10 Garbage and/or rubbish shall be collected from residents of the Borough at least once a week.

304.20 Commercial, industrial and/or institutional establishments may enter into an agreement for collection, and where necessary to protect the public health the Borough Council may require that more frequent collections be made than once a week.

**305.00 Limitation on Quantity:**

305.10 It is the intent of this ordinance that the reasonable accumulation of garbage and/or rubbish of each family for a collection period will be collected at a standard charge.

305.20 Council may refuse to collect unreasonable amounts of refuse or may assess an additional charge therefor.

305.30 In the event commercial, industrial and/or institutional establishments have their refuse collected under the terms of this ordinance or by resolution of Borough Council, fair and reasonable charges will be made therefore based upon the average weight or volume of refuse.

**400.00 FEES/CHARGES:**

- 400.10 A fee for the collection and disposal of garbage and/or rubbish placed for collection at ground level in the usual manner as set forth in this ordinance shall be made by the Borough Council by appropriate Resolution.
- 400.20 Such fee shall equal the prorata share of each residence in the Borough for the collection and disposal of garbage and/or rubbish to the extent that such cost is applicable to residences generally in the Borough;
- 400.21 And based upon the then current contract price being paid by the Borough for the collection and disposal of such garbage and/or rubbish;
- 400.22 Plus the prorata share of administrative costs for the collection of said fee.
- 400.23 Said fee shall be made monthly and shall be billed by the Saegertown Borough and shall be payable as provided by appropriate Resolution by Borough Council.
- 400.30 One such standard fee shall be made for each and every building;
- 400.31 In the case of a building with multiple units, for each unit contained and/or located upon any property and shall be billed in each instance to the owner of the property irrespective of whether the property is owner occupied or not.
- 401.00 Every building and/or unit in the Borough shall be presumed to be occupied and a charge shall be made under the terms of this ordinance monthly for the removal of refuse therefrom.
- 402.00 The owner of the property is responsible for any and all fees and/or charge pursuant to this Ordinance or any Resolution of Council;
- 402.10 Whether the property is a private residence, apartment and/or rental unit or house or any other use of the property is made.
- 403.00 If any owner of property fails to pay any and all charges as required by this Ordinance or by Resolution of Borough Council within thirty (30) days after the same has been billed, such amounts may be collected in the same manner as other municipal claims and liens are now collected by law.

**500.00 LICENSING REQUIREMENTS:**

- 500.10 No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Municipality without first obtaining a license from the Crawford County Solid Waste Authority pursuant to the requirements of County Ordinance No. 1- 1992, as amended and/or supplemented.

**600.00 INJUNCTION POWERS:**

- 600.10 The Municipality may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

**700.00 PENALTIES:**

- 700.10 Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor which is punishable by a Class D fine as set by resolution of Council.
- 700.20 In default of payment of such fine, then by imprisonment for a period of not more than 10 days, or both.
- 700.30 Each day of violation shall be considered a separate and distinct offense.

**800.00 SEVERABILITY:**

800.10 In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

**900.00 CONFLICT:**

900.10 Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**1000.00 EFFECTIVE DATE:**

1000.10 This Ordinance shall take effect immediately.

1000.20 ENACTED AND ORDAINED February 8<sup>th</sup> 1999.