

CHAPTER 20
SOLID WASTE

PART 1

SOLID WASTE COLLECTION

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PART 1

SOLID WASTE COLLECTION

§20-101. Short Title.

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

(*Ord. 801*, 11/11/1999, §I)

§20-102. Definitions.

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

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.

BOROUGH - the Borough of East McKeesport, Allegheny County, Pennsylvania.

BOROUGH WASTE - all waste of a nontoxic, nonhazardous, nonindustrial grade nature produced within the Borough by residences, apartment buildings, commercial establishments or community activities. The term shall include garbage, rubbish and other solid waste. It shall also include office and lunchroom waste produced by commercial establishments.

BULK 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 shape, size and weight.

COLLECTOR - whomever is appointed by the Borough Council to so perform that service. [*Ord. 857*]

COMMERCIAL ESTABLISHMENT - any establishment engaged in activities meant for profit except for such activities conducted in the proprietor's primary residence. The term shall also include charitable entities maintaining a storefront, office or other business property within the Borough.

CONSTRUCTION/DEMOLITION WASTE - building material waste, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

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DEPARTMENT - the Pennsylvania Department of Environmental Protection.

DISPOSAL - the incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water.

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.

HAZARDOUS WASTE - any solid waste which because of its quantity, concentration or characteristics may:

- A. Cause or significantly contribute to an increase in mortality and morbidity of persons within or without the Borough.
- B. 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 of tangible physical goods including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

PERSON - any person, firm, corporation, agency or other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part proscribing a fine or other penalty, the term "person" shall include the officers and directors or any corporation or other legal entity.

PROCESSING - any technology used for the purpose of reducing the volume of bulk or municipal waste or any technology used to convert part or all of such waste materials for off-site reuse.

REFUSE - all solid waste materials which are discarded as useless.

RUBBISH - all nonputrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, glass, paper, wood and yard clippings.

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

SOURCE SEPARATED RECYCLABLE MATERIAL - those materials separated at the point of origin for the purpose of being recycled.

STORAGE - the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSFER STATION - any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

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

(*Ord. 801*, 11/11/1999, §III; as amended by *Ord. 857*, 4/13/2006)

§20-103. Prohibited Activities.

Except in accordance with the provisions of this Part and any Department rule or regulation it is prohibited for any person to engage in the following activities:

- A. To accumulate or permit to accumulate on any public or private property within the Borough any Borough waste in such a manner that promotes nuisances such as odors, unsightliness, infection or health dangers.
- B. To burn any municipal waste.
- C. To dispose of any municipal waste in a manner inconsistent with the procedures set forth in this Part.
- D. To haul, transport, collect or removed any Borough waste from the Borough in manner inconsistent with this Part.
- E. To scavenge any materials from Borough waste without prior approval of the Borough.
- F. To salvage or reclaim any Borough waste which has been placed in a public place for collection by the Borough or its agents.
- G. To throw, place or deposit, or cause to be thrown, placed or deposited any Borough waste in or upon any street, alley, sidewalk and public or private property unless contained in an approved container or bundled in accordance with this Part.
- H. To contract with a private hauler not under contract with the Borough for removal of Borough waste without prior approval and authorization of the Borough.

(*Ord. 801*, 11/11/1999, §IV)

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§20-104. Standard for Storage of Municipal Waste.

1. The storage of all Borough waste shall be practiced so as to prevent the attraction, harborage or breeding of insects and rodents, and to eliminate conditions harmful to public health and safety such as odors, unsightliness, public nuisances or infection.
2. All Borough waste shall be stored in containers approved by the Borough or its designated representative. Individual containers and bulk containers utilized for storage of Borough waste shall comply with the following standards.
 - A. Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal or fiberglass in such a manner as to be leak-proof, weatherproof, insect-proof and rodent-proof.
 - B. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.
 - C. Reusable containers for individual residences shall have a capacity of not less than 10 gallons nor more than 40 gallons and a loaded weight of not more than 40 pounds.
 - D. Containers shall not have jagged or sharp edges or other defect able to injure collection personnel. Containers have such defects shall be replaced immediately or upon notice of the Borough or its designated representative.
 - E. Containers used for larger products of Borough waste such as apartment dwellings and other commercial establishments may use containers larger than that permitted for individual residences. The characteristics of these containers may be negotiated between the waste producer and the Borough or its designated representative subject to approval of the Borough.
3. Any person producing Borough 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 material therein.
4. Any person storing Borough 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 at the curb for pickup.
 - B. All garbage or other putrescible waste shall be securely wrapped or in paper, plastic or similar materials or placed in plastic bags and sealed with a twist-tie, rope, string or other secure means.

- 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 clipping and tree trimmings shall be placed in approved containers 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 approved containers or shall be tied securely into bundles of not more than 40 pounds in weight.
5. When specified by the Borough or its designated representative, special preparation and storage may be required to facilitate the collection and resource recovery of certain Borough waste. Such special preparation shall be provided to parties expected to comply with the special preparations in writing.
6. Any person storing Borough 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 residues likely to attract rodents and insects.
 - C. Containers shall be used and maintained so as to prevent public nuisances such as unsightliness, odors and health risks.

(Ord. 801, 11/11/1999, §V)

§20-105. Standards and Regulations for Collection.

1. The Borough shall provide for the collection of all Borough waste from individual residences, multi-family residences and apartment buildings, or it may contract with a private collector or collectors to provide this essential service.
- A. All Borough waste save for bulk waste shall be collected at least once per week. Bulk waste shall be collected following prior arrangement with the Borough's collector and payments of any required special fees.
 - B. Collection schedules shall be published regularly by the Borough or its contracted hauler.

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2. All individual residences, multi-family residences and apartments buildings must utilize the Borough waste collection service provided by the Borough. Only with the approval of the Borough may any person contract with a private hauler to provide independent waste collection.
3. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once per week. Rubbish collection from these sources shall be made as often as necessary to control the health hazards, odors, insects, rodents and unsightly conditions. The Borough reserves the right to require more frequent collection when deemed necessary.
4. Residential collection schedules shall be published regularly by the Borough or its contracted hauler.
5. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 6 a.m. and 6 p.m. unless prior approval or any exception has been granted by the Borough. No collection, hauling or transporting of solid waste shall be permitted on Saturday or Sunday.

(Ord. 801, 11/11/1999, §VI)

§20-106. Municipal Waste Collection Personnel.

All licensed haulers and haulers under contract with the Borough shall comply with the following standards and regulations:

- A. All Borough waste collected within the Borough shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan (1990) or on subsequent revisions thereto.
- B. Any trucks or other vehicles used for the collection and transportation of Borough waste must comply with the requirements of Act 97, and any department regulations and must be licensed by the Allegheny County Health Department.
- C. All collection vehicles conveying Borough waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
- D. All Borough waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
- E. All collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 801, 11/11/1999, §VII)

§20-107. Borough Waste Collection Fee.

1. A Borough waste collection fee shall be imposed upon owners and occupants of property within the Borough in an amount to be established from time to time by resolution of Borough Council from the effective date of this Part and continuing thereafter. This fee shall be assessed against owners and occupants of dwelling units, against each unit of an apartment building or buildings devoted to multifamily occupancy. Such fee will be collectable from the owner or occupant of the property. These fees shall be assessed regardless whether the apartment units are vacant. It shall be the responsibility of the landlord/owner to pay these assessed fees for apartment building units or rental properties in the event of vacancies. [*Ord. 828*]
2. The Borough reserves the right to negotiate an amount different from the Borough waste collection fee with large waste producers such as, but not limited to, apartment buildings and commercial establishments.
3. Any party failing to pay the appropriate fee when due shall incur a penalty fee in accordance with the table below.

January through June	additional 5% due on total fee
July through end of year	additional 10% due on total fee

4. Any person who independently contracts with another hauler for waste collection services shall remain responsible for paying the Borough waste collection fee assessed by the Borough.

(*Ord. 801*, 11/11/1999, §VIII; as amended by *Ord. 809*, 12/28/2000; by *Ord. 815*, 5/10/2001; by *Ord. 828*, 6/12/2003, §1; by *Ord. 830*, 12/11/2003, §1; and by *Ord. 879*, 12/11/2008, §I)

§20-108. Payments and Returns.

1. An owner or occupant shall submit payments to the collector of the Borough of East McKeesport on February 15 and August 15 of each respective year beginning February 15, 2000. The amount due on each respective date shall include the monthly fee for the preceding 6 months. Any owner or occupant who for the preceding period has failed to pay the proper amount due to the collector may be required by the collector to pay the fee monthly. In such cases, payments of the fee shall be made to the collector on or before the fifteenth day of the month following the month for which the fee is due.
2. Any case where an owner or occupant claims that payment has been made by on or the other for the same dwelling unit or apartment unit, the burden shall be upon the owner and occupants to produce documentary evidence of such payment.

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3. An owner or occupant shall not be entitled to prorate the quarterly fee if another person previously occupied the dwelling for a portion of the respective quarter.

(*Ord. 801, 11/11/1999, §IX*)

§20-109. Payment Under Protest.

The collector is hereby authorized to accept payment under protest of any fee claimed by the Borough in any case where the owner or occupant disputes the validity of the amount claimed due by the Borough. Such payment does not constitute an admission by the owner or occupant. If it is thereafter judicially determined that the Borough has been overpaid, the amount of overpayment shall be refunded to the property owner.

(*Ord. 801, 11/11/1999, §X*)

§20-110. Collection of Delinquent Fees.

The Borough of East McKeesport shall collect, by suit or otherwise, all fees, interest, court costs, reasonable attorney's fees, fines and penalties due under this Part and unpaid. If for any reason, any fee is not paid when due, the property owner shall be liable for all costs of collection including court costs and reasonable attorney's fees.

(*Ord. 801, 11/11/1999, §XI*)

§20-111. Fines and Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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. 801, 11/11/1999, §XII; as amended by Ord. 828, 6/12/2003, §1*)