

# CHAPTER 20 SOLID WASTE

## Part 1 Collection and Disposal

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### §101. Short Title.

This Ordinance shall be known and referred to as the “Sewickley Township Solid Waste Ordinance.”

### §102. Definitions.

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

- A. Act 97 – The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).
- B. Act 101 – The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).
- C. 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.
- D. Collector or Waste Hauler – shall mean any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of municipal waste.

- E. 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.
- F. Container – a portable device in which waste is held temporarily for storage or transportation.
- G. County – shall mean the County of Westmoreland or the Westmoreland County Board of County Commissioners.
- H. DEP – shall mean the Pennsylvania Department of Environmental Protection.
- I. 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 discharge to the waters of the Commonwealth of Pennsylvania.
- J. Domestic Waste or Household Waste – means solid waste, comprised of garbage and rubbish, which normally originates in a residential private household or apartment house.
- K. 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.
- L. Industrial Establishment – means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
- M. Institutional Establishment – means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.
- N. Leaf Waste – leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.
- O. Licensed Collector or Licensed Waste Hauler – shall mean any municipal waste collector or hauler possessing a current, valid County License issued by the Westmoreland County Department of Planning and Development pursuant to County Ordinance No. 2.
- P. Municipal Waste – means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishment and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

- Q. Municipality – shall mean the Township of Sewickley, Westmoreland County, Pennsylvania.
- R. 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 laws as the subject of rights and duties. 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.
- S. 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, automobile tires, wood and yard cleanings.
- T. Salvaging – the controlled removal or recycling of material from a solid waste processing or disposal facility.
- U. Scavenging – means the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.
- V. Solid Waste – means any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.
- W. Storage – means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.
- X. Transportation – means the off-site removal of any solid waste at any time after generation.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

### **§103. Prohibited Activities.**

- A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with all applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.
- B. It shall be unlawful for any person to burn any solid waste, including leaf waste, within the Township except in accordance with the provisions of Chapter 7 of the Code of Ordinances of the Township and all applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.

- C. It shall be unlawful for any person to process and/or dispose of any solid waste in the Township except in accordance with all applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.
- D. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Township without a current valid license to do so issued by the Westmoreland County Department of Planning and Development.
- E. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Township without prior written approval from the Township.
- F. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Township except at an approved and permitted resource recovery facility under any applicable DEP rules and regulations adopted pursuant to Act 97 and Act 101.
- G. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Township except as provided in this Ordinance.
- H. 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 DEP.

**§104. Standards for Storage of Solid Waste.**

- A. 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.
- B. 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.
- C. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in DEP regulations, 25 Pa. Code, Chapter 285, Subchapter A, "Regulations for the Storage of Municipal Waste."

**§105. Standards and Regulations for Collection.**

- A. All households and homeowners shall utilize the services of the Licensed Collector as determined by the Board of Supervisors for disposal of their domestic waste or household waste.

- B. All Licensed Collectors and Licensed Waste Haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the DEP regulations, 25 Pa. Code, Chapter 285, Subchapter B, "Regulations for Collection and Transportation of Municipal Waste."
- C. All municipal waste collected within the Township shall only be conveyed or transported to a disposal facility permitted by DEP and which is designated as a disposal facility in the approved Municipal Waste Management Plan for Westmoreland County.

**§106. Licensing Requirements.**

- A. No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Township of Sewickley without first obtaining a license from the Westmoreland County Department of Planning and Development pursuant to the requirements of County Ordinance No. 2.
- B. All Licensed Haulers shall be responsible for maintaining a current list of customers serviced and records of the amounts and types of waste collected within the Township. Such records and customer lists shall be available for inspection and be provided to the Township or its designated representatives upon request.

**§107. Injunction Powers.**

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

**§108. Violation Enforcement.**

The Ordinance Officer is hereby authorized to enforce violations of this Ordinance by filing, on behalf of the Township, appropriate charges before courts of competent jurisdiction.

**§109. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

**§110. Separability.**

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.

**§111. Conflict.**

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

**§112. Effective Date.**

This Ordinance shall take effect on July 1, 1993.