

CHAPTER 20

SOLID WASTE

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PART 1
SOLID WASTE

§101. SHORT TITLE.

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

(Ord. 1-1993, 5/4/1992, §1)

§102. DEFINITIONS.

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

ACT 97 - the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

ACT 101 - the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act No. 101, July 28, 1988).

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.

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 their size, shape or weight.

COMMERCIAL ESTABLISHMENT - any establishment engaged in nonmanufacturing or nonprocessing business included, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

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

DEPARTMENT - the Pennsylvania Department of Environmental Protection. [Ord. 3-1999]

DISPOSAL - the incineration, deposition injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste

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or a constituent of 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 - 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.

HAULER or PRIVATE COLLECTOR - any person, firm, copartnership, association or corporation who has been licensed by the County or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.

HAZARDOUS WASTE - any solid waste or combination of solid wastes, as defined in Act 97 or 101 which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- 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 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.

LICENSE - a legally constituted requirement (PA Act 101 of 1988) imposed by the County Commissioners of Cambria County for the purpose of collecting and hauling municipal waste from any municipality within Cambria County. This license shall also designate the required disposal site or sites as included in the County's Municipal Waste Management Plan.

MUNICIPAL WASTE - 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 Acts 97 or 101 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

MUNICIPALITY - the Borough of Portage, Cambria County, Pennsylvania. [Ord. 3-1999]

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 provision 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.

PROCESSING - any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

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

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, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." Residual waste 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 "Clean Streams Law."

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.

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

SEWAGE TREATMENT RESIDUES - any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Acts 97 and 101.

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 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.

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

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

2. In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 1-1993, 5/4/1992, 2; as amended by Ord. 3-1999, 4/5/1999)

§103. PROHIBITED ACTIVITIES.

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough any garbage, rubbish, bulky waste or any other municipal or residual solid waste except in accordance with the provision of this Part and any 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 Borough except in accordance with the provisions of this Part and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
3. It shall be unlawful for any person to dispose of any solid waste in the Borough except in accordance with the provisions of this Part and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
4. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Borough without prior approval by the Borough.
5. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Borough except at an approved and permitted resource recovery facility under Act 97 and Act 101, and any Department rules and regulations adopted pursuant to these Acts.
6. 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 Borough except as provided in this Part.
7. It shall be unlawful for any person to place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth.
8. It shall be unlawful for any municipal waste landfill to accept for disposal, and no resource recovery facility may accept for processing, other than composting, truckloads composed primarily of leaf waste.

(Ord. 1-1993, 5/4/1992, §3; as amended by Ord. 2-2004, 4/5/2004, §1)

§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 following preparation standards:
 - A. All municipal waste shall be drained of free liquids before being placed in storage containers.
 - B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.
 - 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 clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall weigh not more than 35 pounds.
 - E. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.
4. Any person storing municipal 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 liquid residues or solids on the bottom or sides of the containers.
 - C. Containers shall be used and maintained so as to prevent public nuisances.
 - D. Containers that do not conform to the standards of this Part, or which have sharp edges, ragged edges or any other defects that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Borough or

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its designated representative.

- E. Containers shall be placed by the owner or customer at a collection point specified by the Borough or its designated representative.
 - F. With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all times.
 - G. Bulk waste items such as furniture, automobile parts, machinery, appliances and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.
 - H. Owners of individual residences and multi-family residential sources with less than four units shall either purchase weekly residential curbside service or purchase one package of 10 pre-paid plastic garbage bags no less than once a year. The fee for said services shall be established by resolution of Borough Council. [Ord. 2-2004]
5. The storage of all municipal waste from multifamily residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Part. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the Borough.

(Ord. 1-1993, 5/4/1992, §4; as amended by Ord. 2-2004, 4/5/2004, §2)

§105. STANDARDS AND REGULATIONS FOR COLLECTION AND TRANSPORTATION.

- 1. The Borough shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multifamily residential sources with less than four units, or it may contact with a private collector or collectors to provide this essential residential collection service.
- 2. All households and homeowners shall utilize the residential collection service provided by the Borough. [Ord. 1-2004]
- 3. All multifamily residential sources (with more than four units), commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the Borough's collector or any other properly licensed waste hauler of their choice.
- 4. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with the Borough's collector and payment of any required special fees.
- 5. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall

be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The Borough reserves the right to require more frequent collection when deemed necessary.

6. Residential collection schedules shall be published regularly by the Borough or its contracted hauler.
7. All licensed haulers under contract with the Borough shall comply with the following standards and regulations:
 - A. All municipal waste collected within the Borough shall be conveyed by the hauler to a transfer station, processing facility or disposal site designated in the approved Cambria County Municipal Waste Management Plan.
 - B. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Acts 97 and 101, and any Department regulations adopted pursuant to Act 97 and Act 101, and must be licensed by the Cambria County Commissioners or their designated agent.
 - C. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
 - D. Collection vehicles for rubbish and other nonputrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.
 - E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
 - F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 1-1993, 5/4/1992; as amended by Ord. 3-1999, 4/5/1999; and by Ord. 1-2004, 2/2/2004, §1)

§106. COLLECTION AND DISPOSAL CHARGES.

1. The Borough Council of the Borough shall be authorized to make funds available, in accordance with the laws and procedures of the Borough, for the establishment, maintenance and operation of the municipal solid waste collection and transportation system; or for the contracting of such service to a private collector.
2. Annual fee schedules (if appropriate) shall be published by the Borough based on any competitively bid residential collection service contract that may be awarded by the Borough.

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(Ord. 1-1993, 5/4/1992, as amended by Ord. 3-1999, 4/5/1999; and by Ord. 2-2004, 4/5/2004, §3)

§107. ADMINISTRATIVE APPEALS.

1. All appeals shall be made in writing to the Borough Council of the Borough.
2. Pending a reversal or modification, all decisions of the Borough shall remain effective and enforceable.
3. Appeals may be made by the following persons:
 - A. Any person who is aggrieved by a new standard or regulation issued by the Borough may appeal within 10 days after the Borough gives notice of its intention to issue the new standard or regulation.
4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the Borough shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(Ord. 1-1993, 5/4/1992, §7)

§108. INJUNCTION POWERS.

The Borough may petition the court of common pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part.

(Ord. 1-1993, 5/4/1992, as amended by Ord. 3-1999, 4/5/1999)

§109. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1-1993, 5/4/1992, as amended by Ord. 6/3/1996; and by Ord. 3-1999, 4/5/1999)

PART 2
RECYCLING

§201. DEFINITION.

When used in this Part, the following words shall have the meanings ascribed to them:

CO-MINGLED ALUMINUM and TIN CANS - all cans may be collected together. Cans must be totally empty and rinsed. Cans may be crushed or flattened. Ends must be removed and recycled.

GLASS CONTAINERS - all glass containers of clear, amber and green and being used for packaging and bottling of various matter, and all other material commonly known as glass excluding mirror or window, glass, lightbulbs, dishes or ceramics and safety glass. Must be sorted by color. Lids must be removed. Must be emptied and rinsed. Must be unbroken.

PLASTIC CONTAINERS - all containers made from unbreakable synthetic material, the product being used for the bottling of milk, soft drinks and other beverages and liquids. The #1 P.E.T. and #2 H.D.P.E containers only (bottles, jugs or jars). Must be emptied and rinsed of all residue. Lids should be removed and thrown away.

(Ord. 9-1994, 12/5/1994, §1)

§202. PLACEMENT OF RECYCLABLES AT DROP OFF CENTER.

All residents of the Borough of Portage who place recyclables at the drop off center shall:

- A. Separate glass containers, plastic containers and co-mingle aluminum or tin cans from other garbage and/or refuse.
- B. Empty and clean such glass containers into clear and colored lots, bagged or bundled in manageable quantities. Glass shall remain unbroken.
- C. Plastic containers shall be thoroughly emptied and rinsed of all residue (bottles, jugs or jars). #1 and #2 plastic only.
- D. Rinse such cans. Lids removed and included in the recycling, may be flattened or crushed. No aerosol cans or toxic or hazardous containers.

(Ord. 9-1994, 12/5/1994, §2)

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§203. OWNERSHIP OF RECYCLABLES.

Upon placement of such recyclables at the "drop off center" trailer they become the sole and exclusive property of the Borough of Portage.

(Ord. 9-1994, 12/5/1994, §3)

§204. PROHIBITED ACTS.

It shall be a violation of this Part for any person or resident of Portage Borough to:

- A. Fail to or improperly separate recyclable items as specified.
- B. Dispose of improper garbage/rubbish or not specified and recyclables.
- C. To litter the recycling center in any manner.

(Ord. 9-1994, 12/5/1994, §4)

§205. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 9-1994, 12/5/1994, §5; as amended by Ord. 3-1999, 4/5/1999)