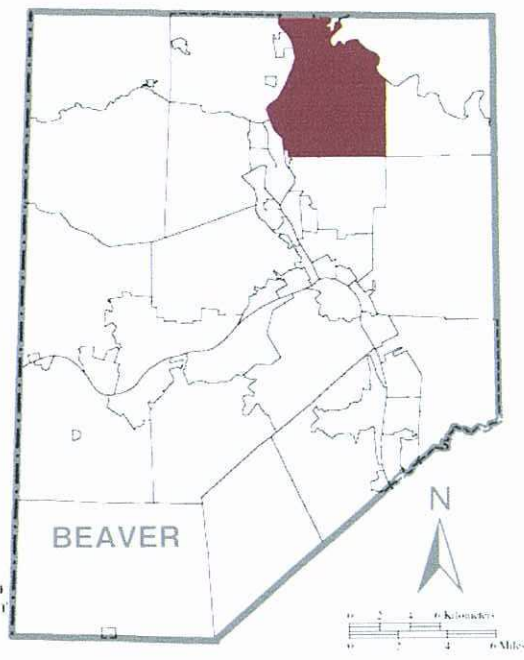


North Sewickley Township Beaver County, PA

Chapter 20 Solid Waste



CODIFICATION
OF
ORDINANCES

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CHAPTER 20

SOLID WASTE

History: Ordinance No. 20, March 7, 1959; Ordinance No. 55, May 11, 1982; Ordinance No. 69, May 14, 1991; Ordinance No. 70, as repealed by Ordinance No. 71, August 13, 1991; Ordinance No. 79, January 26, 1993.

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PART 1

Garbage and Refuse

§20-101 DEFINITIONS

The following words, as used in this Chapter, shall have the meaning thereby ascribed thereto, unless the context clearly indicates a different meaning:

- A. **GARBAGE:** All table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles of materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.
- B. **REFUSE:** All discarded materials of materials, except sewage and liquid waste, and including garbage, ashes, rubbish, and combustible and noncombustible waste.
- C. **PERSON:** Any natural person, association, partnership, firm or corporation.

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

§20-102 PROHIBITIONS

From and after the adoption of this Chapter, no person shall keep or suffer to remain on his or her premises of any private or public property, any garbage or refuse, or cast the same upon any lot or piece of ground within the Township, or upon the shores or margin of any stream or body of water, or into any sewer inlet or upon any road, street, berm, or sidewalk within the Township. Nor may any person use or permit to be used any land, spot or place within the Township as a public or private dump for garbage or refuse nor shall any person use or permit to be used any land within the Township for the purpose of disposing of garbage or refuse by the landfill method, or in any way use or allow the land to be used for operation of a landfill.

§20-103 EXCEPTION

If the Board of Supervisors of the Township shall at any time be of the opinion that the operation of a garbage and refuse disposal place within the Township shall be in the best interests of the public and shall not be detrimental to the health and welfare of residents of the Township, then, the said Board of Supervisors may, after compliance with the procedure hereinafter set forth, by majority vote of the Board of Supervisors, grant an exception to the prohibition contained in Section 20-102 above and may permit the operation of one (1) or more garbage and refuse disposal places within the Township to be operated by the method known as the "sanitary landfill" method, and said granting of exception, securing of permits and operation of said sanitary landfill shall be subject to all the provisions set forth in this Chapter.

§20-104 APPLICATION

Any person desiring to secure permission to operate a garbage and refuse disposal place by use of the sanitary landfill method, or desiring to permit his land situate within the Township to be used for said purpose, must file an application with the Secretary of the Board of Supervisors of the Township, setting forth in detail the following:

- A. The name, age, place of residence, and post office address of the person or persons desiring to operate such landfill;
- B. The names, place of residence, and post office address of the owner or owners of the land on which the landfill operation is proposed to be conducted. The names of all persons, having any interest in the said land, must be included.
- C. A complete and accurate metes and bounds description of the property within the Township which the landfill operator and landowner proposes to have subject to the operation of the landfill.
- D. An engineering or survey plot based upon a true and accurate survey of the premises which the operator and landowner proposes to be subject to the landfill operation, which plot and survey must accurately show the location and identify of ownership of all land adjacent to the land which will be subject to the landfill operation. Said plot or survey must be prepared by a duly registered surveyor and be based upon an actual field survey made by a surveyor duly registered and licensed under Pennsylvania law.
- E. A complete description and tabulation of all equipment owned or lawfully leased by the proposed operator which is available and will be used by the operator in the operation of the proposed landfill together with proof of ownership of the said designated equipment or proof of right to operate the same under a valid lease.
- F. A detailed statement of the proposed operator's past experience in the operation of any garbage or refuse disposal place, his past experience with operating any sanitary landfill and his present qualifications for operating a sanitary landfill.

- G. The aforesaid application to be filed with the Township Secretary must be signed by both the proposed operator and the landowner, including all persons having any interest in said land which is to be subject to proposed landfill. Said application shall be sworn to be the operator and landowner or landowners and shall at the time of its filing with the Township Secretary be accompanied by the following:
- (1) An application fee in the amount of one hundred dollars (\$100.00) in cash or certified check or an amount specified by the Board of Supervisors;
 - (2) Affidavits of both the operator and the landowner that they have read this Chapter, that they are thoroughly familiar with the terms and requirements thereof and that they will fully comply with all the requirements contained herein if an exception is granted by the Board of Supervisors and a permit for operation issued to them.
 - (3) A cash bond in the amount of five thousand dollars (\$5,000.00) or an amount specified by the Board of Supervisors to be returned if the application is denied, and if an exception is granted and a permit issued, to be retained by the Township as the cash bond in accordance with and subject to the provisions hereinafter set forth in this Chapter.
 - (4) In addition to the above, the Board of Supervisors may request such other information to be provided by both the operator and the landowner as may be reasonable under the circumstances. In the event the operator or landowner, or either of them, fails to supply the information required above, or any other reasonable information requested by the Board of Supervisors, or fails to accompany the application with the items set forth above, then the application shall not receive any further compensation of the Board of Supervisors.

§20-105 REVIEW

- A. Upon receipt of an application of a proposed operator and the owner of the land subject to the proposed landfill operation fully complying with the requirements of Section 20-104 above, the said application and the items necessarily accompanying it shall be received by the Township Secretary and shall be called to the attention of the Board of Supervisors at the next regular meeting of the Board. Upon being called to the attention of the Board of Supervisors, the said Board shall make a preliminary review of the application and its accompanying documents and shall determine as to whether or not additional information is to be required of the proposed operators and landowner. If the Board of Supervisors desires the applicants to furnish additional information they shall instruct the Township Secretary as to what additional information is required and, within five (5) days of the said meeting, the Township Secretary shall mail to the applicants a notice specifying the additional information required. Said additional information must be filed with the Township Secretary by the applicants prior to the next regular meetings of the Board of Supervisors or the application shall not receive any further consideration.
- B. If the application complies with all of the requirements of Section 20-104 above and no further information is required of the Board of Supervisors or, if additional required information has been furnished to the Board of Supervisors prior to the next meeting, then the Board of Supervisors shall, either at the first meeting if the application is considered complete, or at the next regular meeting of the Board if further information is required, set a date for public hearing on the proposed application.
- C. Notice of a public hearing with reference to said application shall be published by the Township Secretary once a week for two (2) consecutive weeks in both the Ellwood City Ledger and the News-Tribune setting forth the nature of the application, the names and addresses of the applicants, and the time, place and date of said public hearing, and further advising Township residents that they may at that time appear and be advised as to the detailed contents of the application and make any objection thereto that they may have. The expense of said advertising shall be paid by the applicants prior to time of the hearing and, if

not so paid by the applicants, then the application shall be rejected at the time of hearing and the advertising costs shall be deducted from the amount of bond filed with the Secretary.

- D. If the advertising costs have been paid by applicants as required above, then at the time set forth for hearing as above designated the Board of Supervisors shall conduct a public hearing and shall permit the residents of the Township to voice and express any objections that they may have to the application. After said hearing, the Board of Supervisors may take the matter under advisement until the next regular meeting of the Board of Supervisors at which time they shall either grant the exception, reject the application, or further postpone consideration of the matter until the following regular meeting of the Board of Supervisors, at which time the application must be rejected or an exception and permit granted.

§20-106 NOTICE

If the application is rejected for failure to comply with the requirements of Section 20-104 above or failure to supply additional information required by the Board of Supervisors, then written notice of said rejection shall be given by the Township Secretary and the five thousand dollars (\$5,000.00) or an amount specified by the Board of Supervisors cash bond accompanying the application shall be returned. If the application is rejected after a public hearing, as provided herein, then written notice thereof shall be given by the Township Secretary and the five thousand dollars (\$5,000.00) or an amount specified by the Board of Supervisors cash bond, less any unpaid advertising expense as provided above, shall be returned to the applicant. In any event the application fee shall be retained in full by the Township. Any rejected application that is resubmitted must be accompanied by an application fee of one hundred dollars (\$100.00) or an amount specified by the Board of Supervisors and must in every way conform to the requirements of Section 20-104 hereof.

§20-107 PERMIT FEE

If an exception is granted and an application approved by the Board of Supervisors, written notice of said approval shall be given by the Township Secretary to the applicants and the applicants shall pay to the Township Secretary a permit fee of one hundred dollars (\$100.00) or an amount specified by the Board of Supervisors within ten (10) days after the said notice and shall commence operation of said sanitary landfill, in full compliance with the terms of this Chapter within sixty (60) days of said date of notice of approval. Failure to pay the permit fee or failure to commence operations within sixty (60) days of said notice of approval shall render such approval and exception null and void.

§20-108 LOCATION

No sanitary landfill shall be located or operated within a distance of four thousand feet (4,000') of any residence or public building within the Township.

§20-109 MAINTENANCE

In the operation of any land fill within the Township, the garbage and refuse must be compacted to a parcel not more than one and one-half feet (1 ½') in thickness and all such compacted material must be covered, within sixty (60) minutes after it is dumped, by a covering of clean fill direct not less than four feet (4') in thickness.

§20-110 EXTERMINATION

Each landfill operator and each landowner subject to such a landfill operation must at all times provide for extermination service readily useable on the premises and must file with the Township Secretary a certificate of compliance with this Part every ten (10) days.

§20-111 INSPECTION

Each operator of a land fill and owner of land on which a landfill is being operated must cause said landfill operation to be inspected for water pollution every thirty (30) days by a certified sanitary engineer and must every thirty (30) days furnish the Township Secretary a certificate by said sanitary engineer to the effect that such inspection has been made and that there is no water pollution or contamination being

caused to any Township stream, well or underground water source by the operation of said sanitary landfill.

§20-112 COMPLIANCE

Every operator of a landfill and every landowner in which said landfill is operated shall comply with and meet all requirements of the Federal government, the Commonwealth of Pennsylvania, and Beaver County health laws and regulations relating to the operation of a sanitary landfill. Failure of the operator or landowner to comply with any Federal, Commonwealth or County law or regulation governing and regulating the operation of sanitary landfills shall immediately render invalid the permission granted for operation of said landfill, and any operation of a landfill thereafter shall be in violation of this Chapter to the same extent as if no exception had ever been made and no permission granted by the Board of Supervisors.

§20-113 TOWNSHIP INSPECTOR

The operator of a landfill and the owner on which any landfill is operated shall permit a Township inspector to be on the premises at any and all times designated by the Township and shall permit said Township Inspector free access to any part of the premises on which the landfill is being operated. The operator and landowner shall immediately comply with all directions and instructions received from the said Township Inspector with reference to the operation of said sanitary landfill and shall permit the said Inspector to inspect all parcels being dumped. The operator of the landfill and the landowner on which the landfill is operated shall be liable for and shall pay to the Township the sum of twenty-five dollars (\$25.00) per day as a daily inspection fee in connection with the operation of the same landfill. Said daily inspection fee shall be paid monthly and failure to pay promptly at the first of each and every month shall render void the permission granted.

§20-114 LITTER

Both the operator of a landfill and the landowner on which the landfill is operated shall be responsible for the littering of the road leading to the landfill with any garbage or refuse and must at all times keep said road and areas adjacent thereto free from such littering. Failure to comply with this Part shall constitute a violation of this Part and failure to clear any such littering of said road or adjacent area shall terminate the permission granted for a said landfill operation to the same extent as if no exception had been granted or permit issued. In addition thereto, failure of the operator and landowner to clean up such litter after receiving written notice from the Secretary of the Board of Supervisors shall render the operator and landowner responsible for payment to the Township for all costs involved in hiring the clearing away of said litter, and said costs may be deducted from the cash bond posted in accordance with the terms of this Chapter.

§20-115 HOURS OF OPERATION

Any sanitary landfill operated under a permit issued may be operated only during the hours from 8:00 a.m. to 3:00 p.m. of the time in effect within the Township, and may not be operated on Sunday.

§20-116 CASH BOND

The operator and owner of the land subject to a landfill shall post with the Township Secretary, as hereinabove provided for at the time of filing their application, a cash bond of five thousand dollars (\$5,000.00) or an amount specified by the Board of Supervisors to guarantee full and faithful compliance with all the terms and requirements of this Chapter. Said cash bond shall be held by the Township during all the time that the landfill operation is being conducted and shall be returned only upon conclusion of the landfill operation and then only if said operator and landowners have at all times fully complied with all the terms and requirements of this Chapter. Failure of either the operator or the landowner to fully comply with the terms of this Chapter, or the violation by either of them of any terms of this Chapter, shall immediately constitute a full and complete forfeiture of the same five thousand dollars (\$5,000.00) or an amount specified by the Board of Supervisors cash bond so posted.

§20-117 VIOLATIONS

Any person violating the terms of this Ordinance shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) which may be enforced in the manner provided in the Second Class Township Code. It is further provided that each day's neglect to comply with the provisions of this Chapter shall be deemed a separate offense and be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense.

PART 2

Prohibiting the Storage or Disposal of Residual Waste

§20-201 TERMS

Such terms used in this Chapter as are defined in the Pennsylvania "Solid Waste Management Act," the Act of July 7, 1980, P.L. 380, No. 97, as amended, shall have the same meanings ascribed to them in said Act.

§20-202 ACCUMULATION PROHIBITED

From and after the effective date of this Chapter, it shall be unlawful for any person to permit the accumulation of any residual waste or hazardous waste, as those terms are defined in the aforementioned Statute, on any land in the Township owned by such person, or for any person to cast upon or place upon any lot or parcel of land within the Township or upon the shores or margin of any stream or body of water or into any sewer inlet or upon any road, street, berm, or sidewalk within the Township any such wastes.

§20-203 DISPOSAL PROHIBITED

From and after the effective date of this Chapter, it shall be unlawful for any person, except a municipal subdivision of the Commonwealth of Pennsylvania or an Authority created by a municipal subdivision or a combination of subdivisions of the Commonwealth of Pennsylvania to use or permit the use of any land within the Township of North Sewickley for the purpose of disposing of or storing any residential waste or hazardous waste.

§20-204

No municipal subdivision of Authority created by a municipal subdivision or combination of municipal subdivisions shall use or permit the use of any land within the Township of North Sewickley for the purpose of disposing of or storing any residual waste or hazardous waste without first complying in all respects with the requirements of Chapter 20, Part 1¹ of the Township.

§20-205 AGRICULTURAL WASTE

This Chapter shall not be construed to apply to either agricultural waste, food processing waste, or normal farming operations as defined in the aforementioned Solid Waste Management Act, except that for purposes of this Chapter, "normal farming operations" shall not include the agricultural utilization of septic tank cleanings and sewage sludges which are generated off-sites.

§20-206 VIOLATIONS

Any person violating the provisions of this Chapter shall be guilty of a summary offense, and upon conviction thereof before a District Magistrate, shall be sentenced to pay a fine of not more than three hundred dollars (\$300.00) for each offense, and upon default of payment of such fine shall be committed to the Beaver County jail for a period not to exceed thirty (30) days. Each day during which any violation of this Chapter continues shall constitute a separate offense.,

¹ Originally Ordinance No. 20, March 7, 1959.

PART 3

Recycling

§20-301 TITLE

The short title of this Chapter shall be the "North Sewickley Township Recycling Ordinance," and the same may be cited in that manner.

§20-302 DEFINITIONS

As used in this Ordinance.

- A. **ALUMINUM CANS:** Empty all-aluminum beverage and food containers.
- B. **BIMETALLIC CANS:** Empty food and beverage containers consisting of ferrous sides and bottom and an aluminum top.
- C. **COMMERCIAL ESTABLISHMENTS:** Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing four (4) or more dwelling units.
- D. **COMMUNITY ACTIVITY:** An activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by two hundred (200) or more members of the public per day, whether or not an entrance or participation fee is charged therefore.
- E. **CONTRACTED HAULER:** The waste and refuse hauler contracted by the Township to serve residential and municipal properties.
- F. **CORRUGATED PAPER:** The structural paper material consisting of two (2) or more pieces of kraft liner separated by a corrugated inner core shaped in rigid parallel furrows and ridges. Excluded are materials without a corrugated interliner, and those materials with a corrugated liner made from rice or other nonwood-based materials.
- G. **CURBSIDE COLLECTION:** The collection by the Township or its authorized agent(s) of recyclable materials placed at the curbside or other designated location.
- H. **FERROUS CANS:** The empty steel or tin food or beverage container.
- I. **GLASS CONTAINERS:** Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, automotive glass, blue glass and porcelain and ceramic products.
- J. **HIGH GRADE OFFICE PAPER:** Any white paper, bond paper and computer paper other than newsprint, magazines, or other chemically coated paper or corrugated paper, of the type commonly used for letter-writing, stationery, note paper, plain paper, photocopying machines, computer printers, and other general purpose paper, whether or not any printed or written matter is contained thereon. Expressly excluded are papers with self carbons, carbon paper, envelopes, and all other grades of papers not meeting specifications in the regulations.
- K. **INSTITUTIONAL ESTABLISHMENT:** Those facilities that house or serve groups of people, e.g., hospitals, schools, nursing homes, churches and social or fraternal societies and organizations.
- L. **LEAF WASTE:** Leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings and similar material, but not including grass clippings.
- M. **MAGAZINES AND PERIODICALS:** Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded, however, are all other paper products of any nature whatsoever.

- N. **MULTI-FAMILY HOUSING PROPERTY:** A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four (4) or more dwelling units.
- O. **MUNICIPAL ESTABLISHMENTS:** Public facilities operated by the Township and other governmental and quasi-governmental authorities.
- P. **MUNICIPALITY:** Township of North Sewickley, Beaver County, Pennsylvania.
- Q. **NEWSPAPER:** Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are glossy advertising inserts and newspapers which have been soiled.
- R. **PERSON(S):** Owners, lessees and occupants of residences or commercial or institutional establishments.
- S. **PLASTIC CONTAINERS:** Empty plastic food and beverage containers. Due to the large variety of types of plastics, the recycling regulations shall stipulate the specific types of plastic which may be recycled.
- T. **RECYCLABLE MATERIALS:** Those materials specified by the Township to be recycled. The list of materials shall be specified in the recycling regulations resulting from this Chapter and may be revised from time to time as deemed necessary by the Township.
- U. **RESIDENCE:** Any occupied single or multi-family dwelling from which the Township or private waste hauler collects solid waste.
- V. **SOLID WASTE:** All refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler. The term does not include source separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection for beneficial use.
- W. **STEEL CANS:** Empty food or beverage containers made of steel or tin-coated steel.
- X. **YARD WASTE:** Prunings, grass clippings, weeds, leaves, and garden waste.

§20-303 ESTABLISHMENT OF PROGRAM

There is hereby established by the Township of North Sewickley, hereinafter referred to as the Township, a program that mandates that recyclable materials shall be kept separate from solid waste by all persons within the Township.

§20-304 SEPARATION OF RECYCLABLES AND LEAF WASTE AND PLACEMENT FOR COLLECTION

Recyclable materials and leaf waste shall be kept separate from solid waste and placed by residences at the curb (or in areas designated by the Township), for collection at such times and dates as may be hereinafter established by regulations. Commercial, municipal, and institutional establishments and community activities and multi-family housing properties shall establish programs for the separation, storage and collection of recyclables and leaf waste in a manner in accordance with hereinafter established regulations.

§20-305 PUBLIC INFORMATION AND EDUCATION PROGRAM

The Township shall establish a public information and education program to directly inform residences of their recycling responsibilities. In accordance with hereinafter established regulations, a public information and education program for employees, guests, residents, and members of the general public on the premises shall be established at commercial, municipal and institutional establishments, community activities and multi-family housing properties.

§20-306 COLLECTION BY UNAUTHORIZED PERSON(S)

It shall be a violation of this Chapter for any person(s) unauthorized by the Township to collect or pick-up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§20-307 ENFORCEMENT AND ADMINISTRATION

The Township is authorized and directed to enforce this Chapter. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this Chapter. The Township may change, modify, repeal or amend any portion of said rules and regulations at any time.

§20-308 VIOLATION AND PENALTY

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Chapter, or any regulation thereof, shall be punishable by a fine not to exceed one hundred dollars (\$100.00) upon a first conviction and three hundred dollars (\$300.00) upon a second or subsequent conviction. The above fines shall not be applicable to a conviction for Section 20-306 hereof which shall be punishable by a fine not to exceed five hundred dollars (\$500.00). No enforcement of Section 20-304 of this Chapter shall be made until three (3) months from the effective date of regulations authorized to be promulgated hereunder.

§20-309 FRANCHISE OR LICENSE

The Township may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside or elsewhere as designed by the Township.

§20-310 ALTERNATIVE COLLECTION OF RECYCLABLE MATERIALS

Any person may donate or sell recyclable materials to individuals or organizations. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable materials collection days by the Township. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled curbside collection day.

PART 4

Municipal Waste Flow Control

§20-401 PURPOSE AND INTENT

It shall be the purpose and intent of this Chapter to provide a comprehensive collection system from the premises of all residential, commercial, industrial, and other properties, of all garbage, rubbish and other types of refuse, to require that the owners and/or occupants of all properties and premises within the Township be responsible for the proper storage of such refuse materials, and to have them located in a manner that will provide for easy access by collectors for the disposal of such refuse, and providing for the licensing of all persons collecting and/or transporting garbage or rubbish and other types of refuse from within the Township of North Sewickley, and to provide penalties and fines for the violation by any person or entity who shall fail to comply with requirements of this Chapter, and to make payment for the collection and removal of refuse from off of the properties and/or premises under their control, or any person who engages in unlawful conduct as defined in this Chapter, the Beaver County Solid Waste Management Plan, or the Commonwealth's Municipal Waste Planning, Recycling and Waste Reduction Act, and to establish procedures, rules and regulations for contractors and others who collect and remove garbage, rubbish, and other types of refuse from the Township, all to comply with other applicable ordinances of the Township, and the laws of the Commonwealth of Pennsylvania, as they now exist, or as they may exist in the future.

§20-402 DEFINITIONS

Unless the context clearly indicates otherwise, the following terms in this Chapter shall have the following meanings:

- A. **ACT 101:** The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.
- B. **ANIMAL WASTE:** The waste materials discharged from animals and include animal excrement and fecal matter.
- C. **COLLECTOR:** Such person or persons, firms, or corporations as the Township of County may license or designated to collect garbage, rubbish and refuse within the Township.
- D. **COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS:** Those places, buildings or properties which are used for purposes other than residential and which are located within areas zoned for such purposes, including those establishments located in other zoned areas, but are classified as a nonconforming use under the zoning ordinance.
- E. **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 discharges to the waters of the Commonwealth of Pennsylvania.
- F. **DWELLING UNIT:** Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, or intended to be used for living, sleeping, cooking and eating.
- G. **GARBAGE:** All animal and vegetable waste attending or resulting from the handling, dealing, storage, preparation, cooking and consumption of foods, all refuse of animal or vegetable matter which has been used for food of man, or which was intended to be used, excluding fruit from trees in excess of ten pounds (10 lbs) in residential properties.
- H. **HUMAN WASTE:** The waste materials discharged from humans and include human excrement and fecal matter.
- I. **LANDFILL:** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or

processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include construction/demolition waste landfills or a facility for the land application of sewage sludge.

- J. **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 in the Solid Waste Management Act 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.
- K. **MUNICIPAL WASTE LANDFILL:** Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.
- L. **MUNICIPALITY:** Any city, borough, incorporated town, township or home rule municipality located in the County.
- M. **OCCUPANT:** The person generally in possession and control of any dwelling or premises.
- N. **PERMIT:** Permit number issued by the Department for the operation of the landfill by operator.
- O. **PERSON:** Any individual, partnership, corporation, association, institution, cooperative, enterprise, municipal authority, Federal Government or agency, Commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- P. **RECYCLING:** The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.
- Q. **REFUSE:** The collective term applying to all garbage, rubbish, or all other waste materials from residential, commercial, industrial, and all other places and properties in the Township.
- R. **RESIDENTIAL PROPERTY:** Any property or parcel of land on which there is a place of residence for one (1) or more persons, such as single-family dwellings, multi-family dwellings, apartment buildings, dwelling units in buildings which have other uses such as retail stores, and all other such places occupied and used by persons as dwelling units.
- S. **RUBBISH:** All rags, paper and other small household refuse, as may be accumulated by normal residential uses of property as a dwelling unit or dwelling units. The term shall not include such items as ashes from heating, plants, dirt as a result of lawn care, and shall not include recyclable items as defined in any other Township ordinance. It also shall not include refuse caused by repair, alterations, or new construction of buildings, sidewalks, such as concrete, bricks, lumber, shingles, and all other types of building materials. It shall not include rubber tires, automotive parts, explosive materials, and other items and materials not commonly and generally associated with household waste and refuse.
- T. **SOLID WASTE MANAGEMENT ACT:** Act 97 of 1980, 34 P.S. §§6018.101 et seq., and the Department regulations promulgated thereunder.
- U. **SPECIAL PREMISES:** Those places, buildings, or properties, such as churches, hospitals, schools, colleges, Federal, Commonwealth and local government buildings, civic associations and other non-profit organizations.

- V. **SURGICAL WASTE:** Those materials and organs of humans or animals, which are to be disposed of as a result of surgery performed by a physician or veterinarian.
- W. **TOWNSHIP:** The Township of North Sewickley, Beaver County, Pennsylvania.

§20-403 LICENSING OF COLLECTORS AND/OR TRANSPORTERS

Not later than one hundred and twenty (120) days after the effective date of County Ordinance No. 082092-SWM, all persons collecting and/or transporting waste within the Township of North Sewickley shall be required to obtain a County license pursuant to County Ordinance No. 082092-SWM.

§20-404 DISPOSAL OF MUNICIPAL WASTE AT DESIGNATED MUNICIPAL WASTE PROCESSING OR DISPOSAL FACILITY

All municipal waste collectors and transporters shall deliver and dispose of all municipal waste generated within the Township, other than recyclable materials as designated in the Township's recycling ordinance, at the sites designated by the Township. North Sewickley Township has contracted, or will contract for, waste disposal capacity with some or all of the disposal facilities approved by Beaver County, for a period of five (5) years with the option to renew said contract for an additional five (5) years.

§20-405 REGULATIONS

All collectors and transporters shall comply with all County rules and regulations adopted by the County and the Township pursuant to Act 101, County Ordinance No. 082092-SWM, or this Chapter.

§20-406 RECYCLABLES

All municipal waste collectors and transporters shall be responsible for the collection of recyclables from each of their customers and the delivery of such recyclables to the recycling center as shall from time to time be contracted with for the acceptance of recyclable materials by the Township. Said collection of recyclables shall occur at least one time per month or more often if so agreed upon by the collector and customer. Said waste collectors and transporters shall at all times be bound by the Township's Recycling Ordinance as well as all rules and regulations appurtenant thereto, and the charge for said collection of said recyclable materials shall be incorporated with and not in addition to any charge for the collection of solid waste as herein defined. In no case shall garbage and recyclables be collected simultaneously unless the contractor shall provide for compartments to segregate all recyclable materials from garbage collected. In addition, it shall be the responsibility of each owner or occupant of a residential property within the Township to place for collection all recyclable materials as defined by the Township's Recycling Ordinance in approved containers on the days specified by the owner or occupants hauler for the collection of recyclable materials. Failure of any owner or occupant to so place the site recyclable materials or collection by his or her (*text missing*)

§20-407 NEW MUNICIPAL WASTE PROCESSING OR DISPOSAL FACILITIES PROHIBITED; CONTINUATION OF EXISTING FACILITIES

- A. **Prohibition of Municipal Waste Processing and Disposal Facilities:** No person other than the County, the United States of American, the Commonwealth of Pennsylvania, or the Township of North Sewickley shall use or permit to be used any property owned or occupied by that person within the Township as a new municipal waste processing or disposal facility, for the processing or disposal of waste generated within Beaver County, without the express written approval of the County, and the Department of Environmental Protection.
- B. **Existing Facilities:** The prohibition set forth in Section 20-407A of this Chapter shall not interfere with the operation of any existing facility, provided:
 - (1) The owner/operator of the facility has an approved permit or has submitted a permit application to the Pennsylvania Department of Environmental Protection prior to April 9, 1990.

- (2) The facility does not accept municipal waste from any sources within the County other than those authorized by the facility's permit.
- (3) **Recycling:** The prohibition set forth in Section 20-407A of this Chapter shall not interfere with the operation of any program adopted by the Township for recycling.

§20-408 STORAGE OF GARBAGE, RUBBISH AND OTHER REFUSE

- A. **General:** The following shall be the responsibility of any owner or person in possession, in charge or control of, any dwelling or place of business where garbage, rubbish and other refuse is produced and accumulated and every resident, household or tenant and person occupying a dwelling unit and other such places within the Township:
 - (1) All garbage, rubbish and similar household refuse is to be placed in plastic bags which are to be securely tied or closed when full.
 - (2) Such actions and precautions as are necessary to prevent the contents of those plastic bags from being scattered about, and to prevent the propagation of rats, flies and other insects or vermin.
- B. **Point of Collection:**
 - (1) All containers or bags shall be placed at the edge of travelable ways. Dwellings not located near a travelable way shall place the containers or bags at the front curb.
 - (2) Containers or bags shall not be placed out for collection until after 6:00 p.m. on the day prior to the collection day and shall be placed at the same location, so that no one will be missed by their collectors.
 - (3) The collector shall not be responsible for any broken or torn plastic bags which have been placed out for collection and the contents of which may have been spilled or spread upon the ground in the area. It shall be the responsibility of the occupant of the premises placing the refuse out for collection to clean up all such scattered refuse materials immediately.
- C. **Storage on Commercial Properties:**
 - (1) Storage of garbage, rubbish and other refuse on commercial properties shall be in thirty (30) gallon containers except where the accumulation on such commercial property is in excess of an amount that can be stored in three (3) such containers for a period of one (1) calendar week. The owner or occupant of said commercial property shall keep and maintain said receptacles in good and sanitary condition and shall replace any receptacles which may have ragged or sharp edges, holes or other defects. The containers shall be durable, watertight and made of a rust resistant galvanized material or heavy plastic with tight fitting lid. If said commercial establishment produces more garbage, rubbish or other refuse as may be stored in three (3) such containers for a period of one (1) calendar week, the owner or occupant of the commercial establishment shall make special arrangements with the collector for the storage and removal of such additional quantities. Special arrangements between the owner or occupant of the commercial establishment shall include the following:
 - (a) The type of special bulk container to be furnished by the collector and as may be approved by the Township.
 - (b) Provide for the collection periods that may be more frequent than are required for residential properties and such schedule of collection shall be approved by the Township.
 - (c) The cost for collection service shall be agreed upon by the collector and the owner of the commercial property.

- (2) Containers for the collection at commercial properties shall be located on the premises at a place agreed upon by the owner or occupant of the commercial property and collector, and approved by the Township. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets or other entrances and exits of private or public buildings.
- D. **Storage on Special Premises:** Storage of garbage, rubbish and other refuse on special premises shall be subject to the same provisions as are provided for commercial in Paragraph C of this Section.
- E. **Storage on Industrial Properties:** Storage of garbage, rubbish and other refuse on properties classified as industrial and manufacturing, shall be the same as provided for commercial properties in Paragraph C of this Section.
- F. **Storage for Certain and Special Conditions:**
- (1) The storage for collection and removal of clothing, bedding, or other refuse from homes or other places where infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the Township. Such materials shall not be placed in containers for regular collection.
- (2) Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Fire Chief of the North Sewickley Township Volunteer Fire Company and at the expense of the owner or possessor thereof.

§20-409 COLLECTION AND REMOVAL OF GARBAGE, RUBBISH AND OTHER REFUSE

- A. **Residential Collections:** Collection of rubbish and garbage from residential properties shall be made by the collector not less than one (1) time each calendar week.
- B. **Commercial and Industrial Properties:** Collection of garbage, refuse and rubbish shall be made at least once a week from commercial establishments and in accordance with the conditions as prescribed for in Paragraph C of Section 408C of this Chapter.
- C. **Collection from Special Premises:** Collection of garbage, rubbish and other refuse from special premises provided for in Paragraph of D of Section 20-408 of this Chapter, shall be arranged for between the special premises and the collector. The use of the special type of containers for storage and collection shall be arranged for between the organization and the collector at a fee agreed upon between each party.

§20-410 UNLAWFUL ACTIVITY, NUISANCE

- A. **Unlawful Conduct:**
- (1) Violate, cause or assist in the violation of any provision of this Chapter, County Ordinance No. 082092-SWM (Beaver County Ten Year Municipal Solid Waste Management Plan) or any rule, regulation or order promulgated by the County pursuant to County Ordinance No. 082092-SWM.
- (2) Cause to be processed, treated or disposed of municipal waste generated within the Township at a facility other than those contracted with by North Sewickley Township waste disposal agreement and the County Solid Waste Management Plan.
- (3) Collect or transport municipal waste generated within the Township without a valid County license.
- (4) Hinder, obstruct, prevent or interfere with the Township in the performance of its duties under this Chapter, Act 101 or any enforcement of this Chapter.
- (5) Act in any manner that is contrary to Act 101, the County's Municipal Waste Management Plan, County Ordinance No. 082092-SWM, this Chapter, or any County

or Township rule or regulation promulgated pursuant to this Chapter or County Ordinance No. 082092-SWM, or the terms of any licenses issued by the County.

- (6) No person shall place or dispose of any garbage, rubbish, or refuse in or about any streets, sidewalks, roadways, highway or other public areas or in or upon any private property whether owned by such person or not, within the Township, except in proper containers for collection as prescribed for in this Chapter. No person shall throw or deposit any refuse in any river, stream, or other body of water in the Township.
- (7) Any unauthorized accumulation of garbage, rubbish or refuse of any premises is hereby declared a nuisance and is prohibited.
- (8) No person shall cast, place, sweep or deposit anywhere within the Township, any refuse or debris in such a manner that it may be carried or deposited by the elements, animals or other persons upon any street, sidewalk, alley, roadway or other public place of and to any place within the Township.
- (9) No person shall haul, transport, or convey garbage in open, unenclosed vehicles.
- (10) No person shall have their garbage or rubbish collected by any collector who is not licensed by Beaver County as heretofore provided.

B. **Public Nuisance:** Any unlawful conduct set forth in Section 20-410A shall constitute a public nuisance.

§20-411 HOURS OF COLLECTING AND TRANSPORTATION

Except in cases of emergency determined by the Township, on collection and hauling of garbage rubbish or other refuse, shall be permitted on the streets, roadways or alleys in the Township before 5:00 a.m. or after 6:00 p.m., from Monday through Saturday, and no collection or hauling of garbage, rubbish or other refuse shall be permitted on Sundays.

§20-412 PENALTIES

Any person who engages in unlawful conduct as defined in this Chapter shall be subject to a fine of up to three hundred dollars (\$300.00) and a jail term of up to ninety (90) days, and such other penalty as shall be permitted by law.

§20-413 INJUNCTION; CONCURRENT REMEDIES

- A. **Restraining Violations:** In addition to any other remedy provided in this Chapter, the Township may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Chapter, or rules, regulations, orders issued pursuant to this Ordinance or County Ordinance No. 082092-SWM. In addition to an injunction, the court may impose penalties as authorized by Section 20-412 hereof.
- B. **Concurrent Remedies:** The penalties and remedies prescribed by this Chapter shall be deemed concurrent, the existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided by this Chapter or otherwise provided at law or equity.

§20-414 CONSTRUCTION

The terms and provisions of this Chapter are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof. This Chapter shall be construed in pari materia with the County Ordinance No. 082092-SWM and Act 101.