

## CHAPTER 50: GARBAGE AND REFUSE

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### § 50.01 SHORT TITLE.

This chapter shall be known and referred to as the "New Alexandria Borough Municipal Solid Waste Ordinance".  
(Ord. 113, passed 10-14-1992)

### § 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**ACT 97.** The Pennsylvania Solid Waste Management Act of 1980, being 35 P.S. §§ 6018-101 et seq., (Pub. L. No. 380, No. 97, July 7, 1980).

**ACT 101.** The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, being 53 P.S. §§ 4000.101 et seq., (Act 101).

**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 size, shape or weight.

**COLLECTOR or WASTE HAULER.** Any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of municipal waste.

**COMMERCIAL ESTABLISHMENT.** Any establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

**CONTAINER.** A portable device in which waste is held temporarily for storage or transportation.

**COUNTY.** The County of Westmoreland or the County Board of County Commissioners.

**DER.** The Pennsylvania Department of Environmental Resources (DER).

**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 discharged to the waters of the commonwealth.

**DOMESTIC WASTE or HOUSEHOLD WASTE.** Solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

**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.

**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.

**LEAF WASTE.** Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

**LICENSED COLLECTOR or LICENSED WASTE HAULER.** Any municipal waste collector or hauler possessing a current, valid county license issued by the County Department of Planning and Development.

**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 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.

**MUNICIPALITY.** The Borough of New Alexandria, Westmoreland County, Pennsylvania.

**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 provisions of this chapter 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.

**RUBBISH.** All non-putrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

**SALVAGING.** The controlled removal or recycling of material from a solid waste processing or disposal facility.

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

**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 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.

**TRANSPORTATION.** The off-site removal of any solid waste at any time after generation.  
(Ord. 113, passed 10-14-1992)

### § 50.03 PROHIBITED ACTIVITIES.

(A) It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the municipality, any garbage, rubbish, bulky waste or any other municipal or residual waste except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

(B) It shall be unlawful for any person to burn any solid waste, including leaf waste, within the municipality except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

(C) It shall be unlawful for any person to process and/or dispose any solid waste in the municipality, except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

(D) It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the municipality without a current, valid license to do so issued by the County Department of Planning and Development.

(E) It shall be unlawful for any person to scavenge any materials from any solid waste from public or private property within the municipality without prior written approval from the municipality.

(F) It shall be unlawful for any person to salvage or reclaim any solid wastes within the municipality, except at an approved and permitted resource recovery facility under any applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

(G) It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for collection, or to discard or dispose of any lead acid battery except by delivery to a secondary lead smelter permitted by the U.S. Environmental Protection Agency, or a collection or recycling facility approved by the Department.

(Ord. 113, passed 10-14-1992) Penalty, see § 50.99

#### **§ 50.04 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.

(Ord. 113, passed 10-14-1992) Penalty, see § 50.99

#### **§ 50.05 STANDARDS AND REGULATIONS FOR COLLECTION.**

(A) All households and homeowners shall utilize the services of a licensed collector of their choice for disposal of their domestic waste or household waste, unless they can demonstrate that the waste is properly disposed in a manner consistent with this chapter and all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

(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 Department's Title 25, Chapter 285, Subchapter B Regulations for Collection and Transportation of Municipal Waste.

(C) All municipal waste collected within the municipality shall only be conveyed or transported to a transfer station, processing facility or disposal site which is a county designated disposal facility and which has been selected by the municipality pursuant to applicable resolution.  
(Ord. 113, passed 10-14-1992) Penalty, see § 50.99

**§ 50.06 LICENSING REQUIREMENTS.**

No person shall collect, remove, haul or transport any solid waste upon or through any streets or alleys of the municipality without first obtaining a license from the County Department of Planning and Development.  
(Ord. 113, passed 10-14-1992) Penalty, see § 50.99

**§ 50.07 INJUNCTION POWERS.**

The municipality may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this chapter.  
(Ord. 113, passed 10-14-1992)

**§ 50.08 CONFLICT.**

Any ordinances or any part of any ordinance which conflict with this chapter are hereby repealed insofar as the same affects this chapter.  
(Ord. 113, passed 10-14-1992)

**§ 50.99 PENALTY.**

Any person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$300, nor more than \$500, or in default of payment of such fine, then by imprisonment for a period of not more than 30 days, or both. Each day of violation shall be considered a separate and distinct offense.  
(Ord. 113, passed 10-14-1992)

