

MUNICIPALITY OF MONROEVILLE:
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2594

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, A HOME RULE COMMUNITY, AMENDING ORDINANCE'S 1774, 2479 SECTION 307.4 AND REPEALING ORDINANCE 2583 ESTABLISHING REGULATIONS FOR THE TRANSPORTATION, PROCESSING, STORAGE, DISPOSAL AND HOURS OF GARBAGE, RUBBISH COLLECTION.

WHEREAS, pursuant to the authority vested to the municipality by the Pennsylvania Solid Waste Management of 1980 (Act 97), the Municipality of Monroeville is desirous of enacting an Ordinance prohibiting the accumulation, burying, and burning of garbage and other refuse materials upon private property in said municipality except in accordance with the provisions of this ordinance;

WHEREAS, the Council of the Municipality of Monroeville requires that all garbage, rubbish, and other refuse be conveyed to a transportation, processing or disposal facility designated by the municipal officials;

WHEREAS, the Council of the Municipality of Monroeville is desirous in regulating the storage, collection and disposal of garbage, rubbish, and other refuse materials and providing for the collection of garbage, rubbish, and other refuse materials only by licensed collectors in said municipality;

WHEREAS, the Council of the Municipality of Monroeville is desirous in regulating the hours that rubbish, garbage and containers can be placed and removed a from the curb before and after collection; and

WHEREAS, the Council of the Municipality of Monroeville establishing penalties for violating of this ordinance;

NOW, THEREFORE, the Municipality of Monroeville, Allegheny County, Pennsylvania, hereby enacts and ordains as follows:

SECTION I: SHORT TITLE

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

SECTION II: 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:

Act or Act 97 – The Pennsylvania Solid Waste Management Act of 1980 (P.: 380, No. 97, July 7, 1980).

Agricultural Waste – means 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 recognizes and excepted as farms, forests, or other agricultural lands.

Bulky Waste – means large items of solid waste including but not limited to appliances, furniture, carpeting, and small amounts of lumber, trees, branches or stumps which may require special handling due to their size, shape, or weight.

Commercial Establishment – means any establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Construction Demolition Waste – means 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 – shall mean the Pennsylvania Department of Environmental Protection.

Disposal – means 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 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 – means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

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.

Hauler or Private Collector - means any person, firm, co partnership, association or corporation who has been licensed by the Municipality or its designated representative to collect, transport, and dispose of refuse for a fee as herein prescribed.

Hazardous Waste – means any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical, or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in

either an individual or the total population; or (2) pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Industrial Establishment - means any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

Institutional Establishment – means any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

Municipal Waste – means 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 – shall mean the Municipality of Monroeville, Allegheny County, Pennsylvania.

Person – means any individual, partnership, corporation, association, institution, cooperative enterprises, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions, or any combination of the foregoing, the 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 - means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part of all of such waste materials for off-site reuse, processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

Refuse – means all solid waste materials which are discarded as useless.

Residual Waste – means all garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operation and any sludge from an industrial, mining and 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 – means all nonputrescible municipal waste except garbage and other decomposable matter. This category includes but it not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

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

Sewage treatment Residues -- shall mean any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumping from septic tanks or seepage which are a municipal solid waste and require proper disposal under Act 97.

Solid Waste -- means any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

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 constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

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

Transfer Station -- means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

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

SECTION III: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate upon public or private property within the Municipality, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Ordinance, and Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.
2. It shall be unlawful for any person to burn any solid waste within the Municipality except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.
3. It shall be unlawful for any person to dispose of any solid waste in the Municipality except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.
4. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Municipality without first securing a license to do so in accordance with the provisions of this Ordinance.
5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Municipality without prior approval by the Municipality.

6. 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 Act 97 and any Department rules and regulations adopted pursuant to Act 97.
7. 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, private property or right of way within the Municipality except as provided in this Ordinance.

SECTION IV: 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 and deposited in plastic bags or sacks provided the bags or sacks are designated for waste disposal;
 - b. Garden clippings and tree trimming shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be less or equal to, four (4) feet in length, twelve (12) inches in diameter and less than forty (40) pounds in weight; and
 - c. When specified by the Municipality or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.
4. All municipal waste shall be stored in containers approved by the Municipality or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards.
 - a. Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weather-proof, insect-proof, and rodent-proof.
 - b. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

- c. Reusable containers for individual residences shall have a capacity of not less than ten (10) gallons, not more than forty-five (45) gallons, and a loaded weight of not more than forty (40) pounds.
 - d. Disposable plastic bags or sacks are acceptable containers provided the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection, and shall have a capacity of not more than thirty (30) gallons and a loaded weight of not more than forty (40) pounds.
 - e. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.
5. 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 standard of this Ordinance or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly be replaced by the owner upon notice from the Municipality or its designated representative. All containers that are discarded shall be clearly marked by the owner for disposal.
 - e. Containers shall be placed by the owner or costumer at a collection point specified by the Municipality or its designated representative.
 - f. No container for the collection of, garbage or rubbish, refuse or debris contemplated for collection as herein set forth shall be placed at the curb or cart way as required by Chapter 21 of the Code of the Municipality of Monroeville prior to 4:00 PM on the day before the scheduled pickup.

- g. All containers used for the collection of garbage and refuse and all garbage and refuse and debris not collected on the day of regularly schedule collection shall be removed from the cart way no later than 9:00 PM the day of collection.
 - h. Bulk waste items such as appliances, branches, carpeting, furniture and small amounts of wood shall be stored in a manner that will prevent the accumulation of collection of water, the harborage of rodents, safety hazards and fire hazards.
 - i. Refrigerators and similar equipment that is not in operation shall not be discarded, abandoned or stored on the owners premise without first removing all doors. All Freon or similar refrigerant must be removed by a certified technician. The refrigerator or similar equipment must have a tag, sticker or placard attached indicating the Freon or similar refrigerant has been removed by a certified technician.
6. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Ordinance. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste haulers, and are subject to approval by the Municipality. Each container shall be clearly marked with the name and phone of the business responsible for the container.

SECTION V: STANDARDS AND REGULATIONS FOR COLLECTION

1. The Municipality shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multi-family residential sources with less than four units, or it may contract 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 Municipality unless they can demonstrate that they have made alternate arrangements that are consistent with the Ordinance and approved by the Municipality.
3. All multi-family residential sources with four (4) or more units, commercial, institutional, and industrial establishments shall negotiate and individually contracted with the Municipality's collector or any other properly licensed waste haulers 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 Municipality'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 Municipality reserves the right to require more frequent collection when deemed necessary.

6. Residential collection schedules shall be published regularly by the Municipality or its contracted hauler.
7. All residential garbage and rubbish solid waste collection activity shall be conducted from Monday through Friday between the hours of 4:30 AM and 3:30 PM or on Saturdays between the hours of 4:30 AM and 3:30 PM, unless prior approval or any exception has been granted by the Municipality. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.
8. All multi-family residential sources with four (4) or more units, commercial, institutional, and industrial establishments, solid waste collection activity shall be conducted from Monday through Friday between the hours of 7:00 AM and 10:00 PM and on Saturdays between the hours of 7:00 AM and 7:00 PM unless prior approval or any exception has been granted by the Municipality. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.
9. All licensed hauler and haulers under contract with the Municipality shall comply with the following standards and regulations:
 - a. All municipal waste collected within the Municipality shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan – 1990 or on subsequent revisions thereto;
 - b. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97 and must be licensed by the Allegheny County Health Department;
 - 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; and
 - f. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

SECTION VI: COLLECTION AND DISPOSAL CHARGES

1. The governing body of the municipality shall be authorized to make funds available, in accordance with the laws and procedures of the municipality, for the establishment, maintenance, and operation of a municipal solid waste collection and disposal system; or for the contracting of such service to a private collector.
2. Annual fee schedules (if appropriate) shall be published by the Municipality on any competitively bid residential collection service contract that may be awarded by the Municipality.
3. (OPTION A) The Municipality shall be responsible for the collection of any fees for solid waste collection and disposal from residential customers. Licensed haulers shall be responsible for the collection of any collection and disposal fees from commercial, institutional, and industrial customers.
4. (OPTION B) The Municipality's contracted hauler and other licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal services provided to residential, commercial, institutional, or industrial sources within the Municipality.

SECTION VII: PROHIBITED WASTE

1. All appliances with Freon, building materials, electronics, garbage and rubbish exceeding four (4) feet in length, twelve (12) inches in diameter, rock, stone, tires, desk top and laptop computers, computer monitors, computer peripherals, televisions, vehicle parts and fluids, and all waste prohibited by the Commonwealth of Pennsylvania, Pennsylvania Code, Title 25, Environmental Protection.

SECTION VIII: ADMINISTRATIVE APPEALS

1. All appeals shall be made in writing to the governing body of the Municipality.
2. Pending a reversal or modification, all decisions of the Municipality 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 Municipality may appeal within ten (10) days after the Municipality 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 thirty (30) days after receipt of the notice of appeal, the Municipality 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.

SECTION IX: INJUNCTION POWERS

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

SECTION X: PENALTIES

Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not less than \$1,000, or in default of payment of such fine, than 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.

SECTION XI: SEPARABILITY

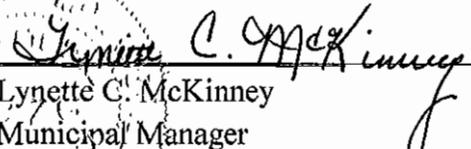
In the event that any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

SECTION XII: CONFLICT

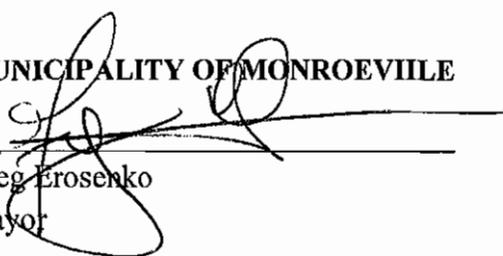
Any ordinances or any part of any ordinances which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

ORDAINED and **ENACTED** this 10th day of September, 2013, by the Council of the Municipality of Monroeville in lawful session, duly assembled.

ATTEST:


Lynette C. McKinney
Municipal Manager

MUNICIPALITY OF MONROEVILLE


Greg Erosenko
Mayor

ENTERED IN THE LEGAL BOOK: September 20, 2013