

ORDINANCE NO. 224

AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS REGULATING THE COLLECTION OF GARBAGE, RUBBISH, BULKY WASTE, MUNICIPAL WASTE AND RECYCLABLES; AUTHORIZING THE BOROUGH TO CONTRACT FOR SUCH COLLECTION; AND PROVIDED FOR PENALTIES FOR VIOLATION THEREOF; AND REVOKING INCONSISTENT ORDINANCES.

The Borough of Patterson Heights hereby ordains:

Section 1. Unless the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

“Act 101” shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.

“Aluminum Cans” shall mean empty all-aluminum beverage and food containers.

“Backyard/At Door Service” shall mean a method of collecting garbage, refuse, and properly prepared recyclables. The above items may be stored not more than one-hundred and fifty (150) feet from the curb, or where there is no curb, this definition refers to the edge of the traveled roadway. Items defined as Bulky Waste shall not qualify for Backyard/At Door Service and shall be placed at the curbside for collection.

“Bags” shall mean plastic or paper sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag and its contents shall not exceed 35 lbs.

Beaver County Municipal Solid Waste Management Plan” shall mean the official, final plan adopted by the Board of Beaver County Commissioners in 1991.

“Bimetallic Cans” shall mean food and beverage containers consisting of ferrous sides and bottom and an aluminum top.

“Bulky Waste” shall mean large household appliances such as stoves, television sets, washing machines, furniture, furnishings and plumbing fixtures. It shall not mean construction debris, dead animals, hazardous waste or unstable matter with weights and volumes greater than those allowed for containers. The bulky items which have been identified by the Contractor and agreed to by the

Borough to not be collected and disposed of by the Contractor shall not be considered bulky waste. The term, however, shall not include refrigerators, air conditioners or any other item containing freon gas or other cooling material unless the gas has been properly removed therefrom in accordance with applicable federal law.

“Catalogs” shall mean a publication listing various items for sale by a commercial establishment. Catalogs shall be recycled in the same manner as newspapers and magazines.

“Co-mingled Collection” shall mean a method of recycling in which designated recyclable materials are placed at the curbside in one container. The recyclable materials are mixed together in random fashion. Co-mingled collection excludes newspaper and magazines if these items are designated to be recycled.

“Commercial Establishments” shall mean those properties used primarily for commercial or industrial purposes.

“Condominium” shall mean an apartment building or housing area in which the living units are owned individually. For purposes of this Contract, it shall be treated as a multi-family unit.

“Construction Waste” shall mean lumber, roofing material, sheathing, rubble, broken concrete, plaster and brick, conduit, pipe, wire, insulation and similar material which results from a construction, demolition or remodeling process.

“Containers, Recycling” shall mean the official recycling receptacle distributed by the Borough of Patterson Heights or any other receptacle approved by the Borough of Patterson Heights for recycling purposes.

“Contract Documents” shall mean the request for proposals, instructions to bidders, contractor’s proposal, general specifications and any addenda or changes to the foregoing documents agreed to by the Borough of Patterson Heights and the contractor.

“Contractor” shall mean the person, persons, firm or corporation determined to be the low responsible bidder to whom a contract to collect, haul, and dispose of garbage, rubbish, bulky waste, and recyclable materials for residential units in the Borough of Patterson Heights has been awarded by the Town Council of the Borough of Patterson Heights.

“Corrugated Paper” shall mean that material consisting of two or more pieces of kraft liner separated by corrugated (fluted) liner board. Excluded are materials without a corrugated interlinear and those materials with a corrugated liner made from rice or other nonwood based materials.

“County” shall mean the County of Beaver and its regulatory agencies.

“Curbside Collection” shall mean items placed at the curb or at a point not more than five (5) feet from the back of the curb which would be unobstructed and clearly visible to the Contractor. With the exception of handicapped provisions, items more than (5) feet back from the curb are not included in the contract nor are items within the five (5) foot area that are hidden or otherwise

obstructed from view of the Contractor. In areas where there is no curb, this definition refers to the edge of the traveled, either public or private, roadway so long as its placement of items does not impede vehicular or pedestrian traffic or create hazards to vehicles or persons traveling in this area.

“Dead Animals” shall mean animals or portions thereof equal to or greater than 10 lbs. In weight that have expired from any cause, except those slaughtered or killed for human use or consumption.

“Disposal” shall mean the deposition, injection, dumping, spilling, leading 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 water of the Commonwealth of Pennsylvania.

“Disposal Site” shall mean the landfill or landfills which the Contractor uses to dispose of municipal waste under the terms of this Contract.

“Ferrous Cans” shall mean empty steel or tin food or beverage containers.

“Garbage” shall mean all refuse and animal and vegetable matter which was used for human consumption, every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter which is likely to attract flies or rodents. It shall also include excess fruits from trees on residential property but not from trees on farms and/or orchards. Excluding items designated for recycling, the term “garbage” shall also mean “dead animals” and mixed and waste fragments resulting from the use and occupancy of the premises, including but not limited to rags, paper and packaging material, glass, crockery, bottles, tin cans, leather, rubber, plastics, newspaper and other general small household refuse. It shall not include “leaf waste, bulky waste, construction waste.”

“Glass Containers” shall mean bottles and jars made of clear, green and brown glass. For recycling purposes, it expressly excludes non-container glass, plate glass, blue glass and porcelain or ceramic products.

“Hazardous Waste” shall mean waste which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Resources by or pursuant to Federal or State law. For purposes of this contract, the term “Hazardous Waste” shall also include motor oil and lead acid vehicle batteries.

“Industrial and Commercial Waste” shall mean any materials or substance which is a waste by-product of the industrial or commercial process and shall include packaging materials and equipment used in the delivery or shipment of goods to or from the industrial or commercial site.

“Non-Profit Establishment” shall mean The Beaver Valley Country Club.

“Landfill” shall mean 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.

“Leaf Waste” shall mean leaves, garden residues and similar material, but not including grass clippings.

“Magazines” shall mean periodical publications containing sketches, stories, essays and pictures. For purposes of recycling, junk mail, phone books, paper and hard back books are expressly excluded.

“Multi Family Units” shall mean any duplex or townhouse as defined in Ordinance No. 204 as amended.

“Municipal Waste” shall mean any bulky waste, garbage, refuse, rubbish, industrial or 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 or hazardous waste.

“Municipal Waste Landfill” shall mean 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.

“Municipality” shall mean The Borough of Patterson Heights.

“Newspapers” shall be 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. For recycling purposes, this expressly excludes newspapers which have been soiled or are wet.

“Permit” shall mean Permit No. issued by the Department for the operation of the Landfill by Operator.

“Person” shall mean any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

“Plastic Containers” shall mean post-consumer plastics such as polyethylene terephthalate, high density polyethylene and polypropylene. Due to the large variety of type of plastics, the Borough

regulations shall stipulate the specific condition and type of plastic which may be recycled.

“Recyclable Materials/Recyclables” shall mean those materials specified by the municipality to be recycled. The list of materials and frequency of collection shall be in accordance with the Borough regulations authorized with Borough Ordinance No. 204 and may be revised from time to time as deemed necessary by the Borough and the Contractor.

“Recycling” shall mean the separation, collection, processing, recovery and resale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

“Residential Unit” Shall mean any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

“Rubbish” shall mean rags, broken glass, crockery, containers for nonedible products used in the home, paper, grass cuttings, hedge cuttings, incinerator ashes, refuse from paper burners, and household refuse generally, ashes from household heating plants, incinerators and coal stoves, but excluding bulky waste, hazardous waste, construction debris.

“Single Family Unit” shall mean a residence or dwelling unit as defined in Ordinance No. 146 as amended.

“Solid Waste Management Act” shall mean Act 97 of 1980, 35 P.S. Section 6018.101 et seq., and the Department regulations promulgated thereunder.

“Borough” shall mean the Borough of Patterson Heights, a Municipal Corporation in the County of Beaver, Commonwealth of Pennsylvania.

“Transportation” shall mean the off-site removal of any municipal waste at any time after generation.

Section 102. All single family units, and multi family units shall participate in and abide by the garbage, rubbish, bulky waste, municipal waste and recyclable collection program as contracted and implemented by the Borough of Patterson Heights and all regulations and contract specifications issued pursuant thereto.

Section 103. Non Profit Establishment shall not be required to participate in the garage, rubbish, bulky waste, municipal waste and recyclable collection program as contracted and implemented by the Borough of Patterson Heights. However, such non profit establishment shall

be responsible for the weekly collection, storage, transportation and disposal of all municipal waste, industrial and commercial waste and hazardous waste and recyclables in accordance with the provisions of this Ordinance and Ordinance No. 204 providing for collection of recyclable materials.

Section 104. All municipal waste and recyclables within the Borough of Patterson Heights shall be accumulated on the property and the person occupying said property shall be responsible jointly and severally with the owner of said property for the storage, removal, collection and disposition of said municipal waste or recyclables on at least a weekly basis to a permitted municipal waste landfill or authorized recycling center via the Borough collection program to a permitted landfill or to an authorized recycling center.

Section 105. All municipal waste shall be stored on the property in a device, container or vessel suitable for the storage of said waste so as not to attract animals or vermin to the same and so as not to constitute a public nuisance such as littering or composting resulting in the attraction of vermin and insects to or about the area. For the purposes of this Ordinance, commercial dumpster collection systems, metal or plastic waste cans and trash bags are suitable containers or vessels for the collection and storage of municipal waste upon any premises within Patterson Heights Borough awaiting the minimum weekly collection and transportation thereof to a permitted landfill.

Section 106. No municipal waste may be stored at or near the curbside of any street more than forty-eight (48) hours prior to the designated or actual collection day of said municipal waste.

Section 107. No municipal waste or recyclables/recyclable materials shall be burned or otherwise intentionally incinerated within the Borough of Patterson Heights except as permitted by Ordinance No. 203 regulating burning.

Section 108. All persons in the business of collecting, hauling and/or transporting

municipal waste within the Borough of Patterson Heights shall be required to obtain a County license pursuant to County Ordinance No. 082092.

Section 109. All municipal waste collectors and transporters shall collect and dispose of: (1) all municipal waste generated within Patterson Heights Borough at a landfill authorized and permitted by the County of Beaver pursuant to County Ordinance No. 082092. (2) All recyclables/recyclable materials to an authorized recycling center.

Section 110. All collectors and transporters shall comply with all County rules and regulations adopted by the County and the Borough of Patterson Heights pursuant to Act 101, County Ordinance No. 082092, or this Ordinance or Ordinance Nos. 212 and 204.

Section 111. It shall be unlawful for any person to:

(a) violate, cause or assist in the violation of any provision of this Ordinance, County Ordinance No. 082092 or any rule, regulation or order promulgated by the County pursuant to County Ordinance No. 082092-SWM;

(b) cause to be processed, treated, or disposed of municipal waste generated within the Borough of Patterson Heights at a landfill other than the landfills permitted pursuant to 109;

(c) collect or transport or dispose of municipal waste generated within the Borough of Patterson Heights without a valid County license;

(d) hinder, obstruct, prevent or interfere with the Borough of Patterson Heights in the performance of its duties under this Ordinance, Ordinance Nos. 212 and 204, Act 101 or any enforcement of this Ordinance;

(e) act in any manner that is contrary to Act 101, the County's Municipal Waste Management Plan, County Ordinance No. 082092-SWM, this Ordinance, Ordinances Nos.

212 and 204, or any County of Borough rule or regulation promulgated pursuant to this Ordinance, Ordinance Nos. 212 and 204 or County Ordinance No. 082092-SWM, or the terms of any licenses and permits issued by the County of Beaver;

(f) act in any fashion so as to interfere with or hinder the collection and transportation of municipal waste to a permitted landfill; or recyclables to a recycling center.

(g) act in any fashion so as to cause or allow stored municipal waste or recyclables awaiting collection to attract rodents or disease carrying insects, wild animals, or domestic animals;

(h) improperly store and/or contain municipal waste or recyclables so as to litter or allow municipal waste or recyclables to attract rodents, animals or insects pending collection and transportation to a landfill or recycling center.

(i) burn, incinerate or bury any type of municipal waste or recyclables other than in or at a licensed incineration site or landfill or recycling center except as provided in the Ordinance No. 203.

(j) improperly dispose of any hazardous waste either directly or via the Borough collection program.

(k) Any of the above shall also constitute a public nuisance and therefore subject to any civil remedy, private or public, for maintaining a public nuisance.

Section 112. Any person, partnership, firm, association or corporation who violators the provisions of this Ordinance shall be subject to summary offense criminal prosecution proceedings in accordance with Act No. 172 of 1996 and the Pennsylvania Rules of Criminal Procedure for summary offenses and if guilty shall pay the following fines for the enumerated offense:

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd and Subsequent Offenses</u>
Section 111(a)	\$ 50.00	\$ 600.00	\$1000.00
Section 111(b)	50.00	600.00	1000.00
Section 111(c)	1000.00	1000.00	1000.00
Section 111(d)	1000.00	1000.00	1000.00
Section 111(e)	1000.00	1000.00	1000.00
Section 111(f)	1000.00	1000.00	1000.00
Section 111(g)	50.00	600.00	1000.00
Section 111(h)	50.00	600.00	1000.00
Section 111(i)	50.00	600.00	1000.00
Section 111(j)	1000.00	1000.00	1000.00

Section 113. (a) In addition to any other remedy provided in this Ordinance, the Borough of Patterson Heights 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 Ordinance, or rules, regulations orders issued pursuant to this Ordinance or County Ordinance No. 082092-SWM.

(b) Upon the failure of any person to pay for the charges imposed for the collection and disposal of garbage, rubbish, bulky waste, and recyclables, the person shall be given thirty (30) days written notice to pay the bill and amount due. The Borough shall be authorized to file a municipal lien claim for said unpaid service and amount due.


(c) The penalties and remedies prescribed herein shall be deemed concurrent, the existence or exercise of any remedy shall not prevent the Borough of Patterson Heights from exercising any other remedy provided by this Ordinance or otherwise provided at law or equity.

Section 114. The Borough of Patterson Heights is hereby authorized to enter into a reservation of landfill capacity agreements with landfill operators licensed by the County pursuant

to the County Program and Act 101 and is hereby authorized to enter into contracts and award franchise agreements for the collection and disposal of municipal waste.


Section 115. The terms and provisions of this Ordinance are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof. This Ordinance shall be construed in para materia with the County Ordinance No. 082092-SWM, Act 101, and Ordinances Nos. 212 and 204.

ENACTED AND ORDAINED this 7th day of Aug, 2000

ATTEST:

Secretary of Council

BOROUGH OF PATTERSON HEIGHTS
By 
President of Council

EXAMINED AND APPROVED by me this 7 day of Aug, 2000.


Mayor