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Part 1

Solid Waste Storage, Collection and Disposal

§20-101. Short Title.

This Part shall be known and referred to as the "Solid Waste Ordinance." (Ord. 911, 9/10/1991, §1)

§20-102. Definitions.

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

Act or Act 97 - the Pennsylvania Solid Waste Management Act of 1980 P.L. 380, No. 97, July 7, 1990.

Agricultural waste - poultry and livestock manure or residual materials in liquid or solid form, generated in the production, and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural and agricultural crops of commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.

Bulky waste - large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape, or weight.

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

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

Department - the Pennsylvania Department of Environmental Protection. [Ord. 1077]

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste, or a constituent of the solid waste enters the environment, enters into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Domestic waste or household waste - solid waste comprised of garbage and rubbish, which normally originated 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 micro-organisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Hauler or private collector - any person, firm, co-partnership, association or corporation who has been licensed by the Borough or its designated representative

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to collect, transport, and dispose of refuse for a fee as herein prescribed.

Hazardous waste - any solid waste or combination of solid wastes, as defined in 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.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Industrial establishment - any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

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

Municipal waste - garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under 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 Glassport, Allegheny County, Pennsylvania.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Processing - any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part 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 - all solid waste materials which are discarded as useless.

Residual waste - any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the "Clean Streams Law."

Rubbish - all non-putrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding,

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cardboard, cans, crockery, glass, paper, wood and yard cleanings.

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

Sewage treatment residues - any coarse screenings, grit and de-watered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

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

Source-separated recyclable materials - those materials separated at the point of origin for the purpose of being recycled.

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 1 year constitutes 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.

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

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

(Ord. 911, 9/10/1991, §2; as amended by Ord. 1077, 5/23/2006)

§20-103. Prohibited Activities.

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Part, any 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 Borough except in accordance with the provisions of this article, 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 Borough except in accordance with the provisions of this Chapter, 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 Borough without first securing a license to do so in accordance with the provisions of this Chapter.

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 Borough without prior approval by the Borough.

6. It shall be unlawful for any person to salvage or reclaim wastes within the

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Borough 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 or private property within the Borough except as provided in this Part.

(Ord. 911, 9/10/1991, §3)

§20-104. Standards for Storage of Solid Waste.

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

3. Any person storing municipal waste for collection shall comply with the following preparation standards:

- A. All municipal waste shall be drained of free liquids before being placed in storage containers.
- B. All garbage or other putrescent waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.
- C. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
- D. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than 4 feet in length, not more than 2 feet in diameter and not more than 40 pounds in weight.
- E. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than 40 pounds in weight.
- F. When specified by the Borough 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 Borough 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 10 gallons or more than 40 gallons and a loaded weight of not more than 40 pounds.
- D. Disposable plastic bags or sacks are acceptable containers provided the

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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 30 gallons and a loaded weight of not more than 35 pounds.

E. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

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 nuisance.
- D. Containers that do not conform to the standard of this Part or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Borough or its designated representative.
- E. Containers shall be placed by the owner or customer at a collection point specified by the Borough or its designated representative.
- F. With the exception of pick-up days when the containers are placed out for collection, the

containers shall be properly stored on the owner's or customer's premises at all times.

G. Bulk waste items such as furniture, automobile parts, machinery, appliances, and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.

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 Chapter. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Borough.

(Ord. 911, 9/11/1991, §4)

§20-105. Standards and Regulations for Collection.

1. The Borough 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 this Part and approved by the Borough.

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3. All multi-family residential sources (with more than four units), commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the Borough's collector or any other properly licensed waste hauler of their choice.

4. All residential garbage and rubbish shall be collected at least once a week. Bulky waste shall be collected following prior arrangement with the Borough's collector and payment of any required special fees.

5. All commercial, institutional, public and industrial lunchrooms and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The Borough reserves the right to require more frequent collection when deemed necessary.

6. Residential collection schedules shall be published regularly by the Borough or its contracted hauler.

7. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 5:00 p.m. unless prior approval or any exception has been granted by the Borough. No collection, hauling or transporting of solid waste shall be permitted on Saturday or Sunday.

8. All licensed haulers and haulers under contract with the Borough shall comply with the following standards and regulations:

A. All municipal waste collected within the Borough 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 non-putrescible waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 911, 9/11/1991, §5)

§20-106. Collection and Disposal Charges.

1. The Borough Council shall be authorized to make funds available, in accordance with the laws and procedures of the Borough, 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 Borough on any
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competitively bid residential collection service contract that may be awarded in the Borough.

3. The resident's contracted hauler and other 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.

(*Ord. 911, 9/11/1991, §6*)

§20-107. Administrative Appeals.

1. All appeals shall be made in writing to the Borough Council.

2. Pending a reversal or modification, all decisions of the Borough shall remain effective and enforceable.

3. Appeals may be made by the following persons:

A. Any person who is aggrieved by a new standard or regulation issued by the Borough may appeal within 10 days after the Borough gives notice of its intention to issue the new standard or regulation.

4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the Borough shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(*Ord. 911, 9/11/1991, §7*)

§20-108. Injunction Powers.

The Borough may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part.

(*Ord. 911, 9/11/1991, §8*)

§20-109. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 911, 9/11/1991, §9; as amended by Ord. 1077, 5/23/2006*)

§20-110. Maximum Number of Bags to Be Placed for Collection; Earliest Hour for Placement of Bags for Collection.

1. The number of bags of garbage, refuse or trash which may be placed at the curbside for pickup is limited to five bags. Such limitation is applicable to each residential unit utilizing the curbside garbage and refuse pick-up.

2. Bags of trash, garbage or refuse placed at the curb for curbside pickup may not be placed at such location any earlier than 5:00 p.m., prevailing time, on the day prior to the day on which such trash, garbage, or refuse is scheduled to be collected. By way of example, if trash, garbage, and/or refuse collection is scheduled to occur on Monday of a given week, no bags of trash, garbage, or refuse may be placed at the curb prior to 5:00 p.m. on Sunday of said week. The foregoing is imposed so as to protect the health, safety and welfare of the community and the cleanliness of the neighborhood so that trash is not placed at the curb for

pick-up any earlier than necessary and the aforesaid limitations are imposed to inhibit the scavenging of the curbside materials or the vandalism or destruction or scattering thereof by stray animals or vermin.

(*Ord. 911*, 9/11/1991; as added by *Ord. 931*, 8/10/1993, §10; as amended by *Ord. 1184*, 1/15/2019, §1)

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Part 2

Recycling

§20-201. Background and Findings.

1. The Act of July 28, 1988, P.L. 556, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source-separated recyclable materials.

2. The reduction of the amount of municipal waste and conservation of recyclable materials has become an important public concern because of the growing problem of municipal waste disposal and its impact on the environment.

3. The collection of recyclable materials for recycling from residences and from commercial, municipal and institutional establishments in the Borough will serve the general public interest by reducing the volume of municipal waste which must be disposed and conserving our natural resources.

(Ord. 910, 8/13/1991, §1) §20-202. Short Title.

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

(Ord. 910, 8/13/1991, §2) §20-203. Definitions.

The following words and phrases used throughout this Part shall have the following meanings:
Act 101 - the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Aluminum - all empty aluminum beverage or food cans.

Bi-metal containers - empty food or beverage containers consisting of steel and aluminum.

Collector - the entity or entities authorized by the Municipality to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Borough to collect recyclable materials from those properties.

Commercial establishments - those properties used primarily for commercial or industrial purposes.

Community activities - events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

Corrugated paper - structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Ferrous containers - empty steel or tin coated food or beverage containers.

Glass containers - bottles and jars made of clear, green or brown glass.

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Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

High grade office paper - all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

Institutional establishments - those facilities that house or serve groups of people including but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.

Lead acid batteries - shall include but not be limited to automotive, truck and industrial

batteries that contain lead.

Leaf waste - leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

Magazines and periodicals - printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

Multi-family housing properties - any properties having four or more dwelling units per structure.

Municipal establishments - public facilities operated by the Borough and other governmental and quasi-governmental authorities.

Municipal waste - any garbage, refuse, industrial lunchroom or 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, waste-water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

Municipality - the Borough of Glassport.

Newspapers - paper of type commonly referred to as newspaper and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and advertising inserts printed of color other than black and white often included with newspapers.

Persons - owners, lessees, and occupants of residences and commercial, municipal and institutional establishments.

Plastic containers - empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Borough may stipulate specific types of plastic which may be recycled.

Recyclable materials - materials generated by residences and commercial, municipal and institutional establishments which are specified by the Borough and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bi-metallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Borough or specified in future revisions to Act 101. The recyclable materials selected by the Borough may be

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revised from time to time as deemed necessary by the Borough.

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 combustions) and creation and recovery of reusable materials.

Residences - any occupied single or multi-family dwellings having up to four dwelling units per structure for which the Borough provides municipal waste collection service.

Source-separated recyclable materials - the materials separated at the point or origin for the purpose of being recycled.

Waste - a material whose original purpose has been completed and which is directed to a disposal or processing facility or so otherwise disposed. The term does not include source-separated recyclable materials or materials approved by the Pennsylvania Department of Environmental Protection for beneficial use. [Ord.

1077]

(Ord. 910, 8/13/1991, §3; as amended by Ord. 1077, 5/23/2006)

§20-204. Establishment of Program; Grant of Power.

1. The Borough hereby establishes a recycling program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from the residences and all commercial, municipal and institutional establishments located in the Borough for which waste collection is provided by the Borough or any other collector. Collection of the recyclable materials shall be made at least once per month by the Borough, its designated agent, or any other solid waste collectors operating in the Borough and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The recycling program shall also contain a sustained public information and education program. Specific program regulations are provided as an attachment to this Part. The Council is empowered to make changes to program regulations as necessary, as described in §20-211. Subsequent changes in the program regulations may be made through approval of the Council and public notice and notification of all affected parties.

2. This Part is ordained pursuant to the provisions of §304 of the Municipal Waste Planning, Recycling and Waste Reduction Act.

(Ord. 910, 8/13/1991, §5)

§20-205. Lead Acid Batteries.

Disposal by persons of lead acid batteries with other municipal waste is prohibited and shall be a violation of this Chapter.

(Ord. 910, 8/13/1991, §5)

§20-206. Separation and Collection.

1. All persons who are residents of the Borough shall separate all of those recyclable materials designated by the Borough from all other municipal waste

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produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.

A. Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Borough for collection. The Borough shall make available for distribution to residents at least two recyclable containers for each home, apartment, or other residential establishment for a non-refundable fee of one dollar for each recyclable container. The replacement cost for each individual recyclable container shall be the current market value. The Borough shall maintain a registry of all recyclable containers distributed to Borough residents. Residents must pick up their recyclable containers and pay the appropriate fee within 30 days of the effective date of this Part. Any containers provided to residences for collection of recyclable materials shall be the property of the Borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Borough or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this Part.

B. An owner, landlord, manager, or agent of an owner landlord, or manager of a multi-family housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable

containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, managers, and agents of the owners or landlords and managers, who comply with this Part shall not be liable for non-compliance by occupants of their buildings. If recyclable materials are collected by a collector other than the Borough or its authorized agent, owner, landlords and agents of owners or landlords shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year.

2. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

3. Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Municipality generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this subsection .3 by:

A. Providing for the recycling of high grade office paper, aluminum, corrugated paper, leaf waste and other materials deemed appropriate by the Borough.

B. Submitting, at a minimum, an annual recycling report to the Borough Council. The report shall document the amount of municipal waste generated per year as well as the type and weight of materials that were recycled in the previous

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calendar year. Valid documentation shall include information from an end-user, recycler, or waste hauler which describes the type and weight of each recyclable material that was collected and marketed. Documentation may be in the form of one of the following:

(1) Copies of weight receipts or statements which consolidate such information.

(2) A report from the provider of recycling collection services which identifies the amount of each material collected and marketed. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its source-separated materials.

(3) A report from the provider of waste collection services that identifies the type and weight of each recyclable material collected and marketed in cases where recyclables are commingled with the establishment's waste. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. For subsections (2) and (3) where recyclables from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of material marketed for recycling purposes can be credited to an establishment.

4. If recyclable materials are collected by a collector other than the Borough or its authorized agent, occupants of said establishments shall submit an annual report to the Borough reporting the type and weight of materials recycled during the previous calendar year. This requirement may be fulfilled by submission of a letter or form from the collector which certifies that recyclable materials are being collected from the establishment.

5. All employees, users (patrons), and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should describe the program's features and requirements, and should include at a minimum an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

(Ord. 910, 8/13/1991, §6)

§20-207. Ownership of Recyclable Materials.

All recyclable materials placed by persons for collection by the Borough or authorized collector pursuant to this Part shall, from time of placement at the curb, become the property of the Borough or the authorized collector, except as otherwise provided by §20-209. Nothing in this Part shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

(Ord. 910, 8/13/1991, §7)

§20-208. Collection by Unauthorized Persons.

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It shall be a violation of this Part for any person, firm or corporation, other than the Borough or one authorized by the Council or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Borough or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 910, 8/13/1991, §8)

§20-209. Existing Recycling Operations.

Every residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from the Council or other entity responsible for authorizing collection of recyclable materials to make such a collection.

(Ord. 910, 8/13/1991, §9)

§20-210. Recycling of Materials.

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this Part. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclables materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Glassport Borough Council in writing.

(Ord. 910, 8/13/1991, §10)

§20-211. Enforcement and Administration.

1. The Glassport Borough Council is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Chapter as deemed necessary including, but not limited to:

A. Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.

B. Establishing collection procedures for recyclable materials.

C. Establishing reporting procedures for amounts of materials recycled.

D. Establishing procedures for the distribution, monitoring and collection of recyclable materials.

E. Establishing procedures and rules for the collection of leaf waste.

2. Any person, firm or corporation who shall violate the provisions of this Chapter shall receive an official written warning of non-compliance for the first and second offense. Thereafter all

such violations shall be subject to the penalties hereinafter

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provided. The Glassport Borough Building Inspector and the Glassport Police Department are hereby authorized to issue warnings and citations for the violation of any section of this Part. Except as hereinafter provided, any person, firm or corporation who shall violate any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 1077]

2. The Borough reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials.

(Ord. 910, 8/13/1991, §11; as amended by Ord. 1077, 5/23/2006)

§20-212. Franchise and License.

The Borough may enter into an agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

(Ord. 910, 8/13/1991, §12)

§20-213. Modification.

The Borough may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in §20-211.

(Ord. 910, 8/13/1991, §13)

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Part 3

Waste Facilities

§20-301. Operation of Certain Waste Facilities in Borough Prohibited.

The operation of any municipal waste facility, hospital waste facility, hazardous or toxic waste facility is hereby prohibited within the Borough of Glassport.

(Ord. 900, 11/13/1990, §1)

§20-302. Certain Facilities Prohibited Without Approval of Council.

The operation of any facility not described in §§27-901 through 27-903 which disposes of, stores, destroys or otherwise eliminates waste or other property which has been discarded and which is not used for the purpose of manufacturing another saleable product is hereby prohibited without prior approval of Council.

(Ord. 900, 11/13/1990, §2)

§20-303. Enforcement of Provisions on Certain Waste Facilities.

This Part may be enforced in the manner set forth for the Borough's Zoning Ordinance [Chapter 27].

(Ord. 900, 11/13/1990, §3; as amended by Ord. 1077, 5/23/2006)

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Part 4**Waste Dumpsters****§20-401. Definitions.**

The following definitions shall apply in the interpretation, administration, and enforcement of this Part:

Permittee - a person who obtains or is required to obtain a permit under this Part.

Person - any natural person, firm, partnership, corporation, association, limited liability company, estate, trust or other legally recognized entity.

Street - any public street, highway, road, lane, court, cul-de-sac, avenue, alley or other thoroughfare within the Borough of Glassport.

Street storage - any item placed in a street for a period in excess of 24 consecutive hours that is not a motor vehicle as defined by the Pennsylvania Vehicle Code or a waste dumpster.

Waste dumpster - a unit designed for the deposit of waste materials at or near a building or other structure, commonly located on a temporary basis on a street abutting the site and transportable to and from the site for purposes of disposal of its contents by means of a carrying vehicle.

(Ord. 1120, 3/21/2012, §1)

§20-402. Permit Requires.

No person shall place upon, cause to be placed upon or permit to remain upon a street a waste dumpster or street storage without first obtaining a permit therefor from the Glassport Borough office and paying the applicable permit fee. The duration of such permit shall be 30 days, and the continued validity of such permit shall be contingent upon full compliance with the regulations and requirements set forth in this Part. If the waste dumpster or street storage is or will be located on the roadway or within the cartway, the placement of the waste dumpster or street storage must be approved by the Chief of Police or his or her designee. Street storage for periods less than 7 days in any cycle of 365 days must meet all requirements of this Part except obtaining a permit.

(Ord. 1120, 3/21/2012, §2)

§20-403. Permit Fee.

The permit fee for waste dumpsters or street storage shall be established by resolution or motion of Borough Council. Two 30-day extensions of a permit may be granted without additional fees. Permit renewal may be denied for inactivity.

(Ord. 1120, 3/21/2012, §3)

§20-404. Placement and Use Regulation.

1. The placement of a waste dumpster or street storage upon a street shall not extend into the travel lane of traffic.

2. A waste dumpster or street storage placed upon a street shall bear reflective

markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to approaching traffic in both directions of its location. These warnings must be accomplished by dumpster markings, cones or barrels with flashers and must be approved by the Chief of Police or his or her designee.

3. No street shall be closed for the purpose of location or utilization of a waste dumpster or street storage without Pennsylvania Department of Transportation, if applicable, and Borough Council temporary road closure authorization.

4. The location and utilization of a waste dumpster or street storage upon a street shall not be in a manner which constitutes a safety hazard to persons or property.

5. The location and utilization of a waste dumpster or street storage upon a street shall be in compliance with all Federal, State and local laws, rules and regulations applicable thereto, including, but not limited to, any highway occupancy or other permit required by the Pennsylvania Department of Transportation, in addition to the requirements of this Part.

6. Comprehensive liability insurance shall be obtained and maintained by the permittee in the amount of at least \$50,000 for property damage and personal injury, combined single limit, arising out of or in connection with the placement or utilization of a waste dumpster or street storage on any street, with the Borough being named as an additional insured on said policy for such purpose. In the alternative, Borough Council may, in its discretion, waive this insurance requirement if the person requesting a permit to place the dumpster or street storage on any street provides proof of homeowners or renter's insurance that will provide coverage in the event of any property damage or personal injury and the person requesting the permit agrees to indemnify and hold the Borough harmless in the event of any property damage or personal injury.

7. The permittee shall execute an indemnity agreement, in a form acceptable to the Borough of Glassport, promising to indemnify, save harmless and defend the Borough, its officials, agents, servants, and employees and each of them, against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorneys' fees for or on account of any injury to any person or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of a waste dumpster or street storage on any street.

8. Only one waste dumpster per property will be permitted on any street in the Borough of Glassport.

9. If a chute or similar device or object is to be used with a waste dumpster, it must be deemed structurally sound by the Borough or its designee, and liability insurance in the same amount and set forth in subsection .6 above shall be provided.

10. The permittee shall assume all risk of damage, and the Borough shall not be liable for any damage, to the waste dumpster or street storage when the Borough is plowing snow, maintaining the street or other facilities within the street or performing other public functions.

(*Ord. 1120*, 3/21/2012, §4; as amended by *Ord. 1194*, 3/17/2020, § 1)

§20-405. Revocation of Permit.

Without limitation as to the utilization of any other legal or equitable remedy or action available to the Borough, civil or criminal, noncompliance with any or the requirements or provisions set forth in this Part or any material false statement or omission made in connection with the application for a permit shall be grounds for revocation by the Borough Manager, the Glassport Borough Chief of Police or their designee of the permit issued pursuant to this Part.

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(Ord. 1120, 3/21/2012, §5)

§20-406. Removal of Waste Dumpsters or Street Storage.

The Borough may at the expense of the owner or lessee of the property or the permittee cause the removal of a waste dumpster or street storage.

(Ord. 1120, 3/21/2012, §6)

§20-407. Penalties.

Any person who or which violates or fails to comply with any provision of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$200 and not more than \$600 plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each provision of this Part which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or Federal law. In default of payment of any fine, such person shall be liable to imprisonment for not more than 30 days.

(Ord. 1120, 3/21/2012, §7)

§20-408. Equitable Relief.

In addition to or in lieu of the penalties provided in §20-407 hereof, any violations of the provisions of this Part may be abated or enforced by proceedings seeking equitable relief against the violator.

(Ord. 1120, 3/21/2012, §8)

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BOROUGH OF GLASSPORT DUMPSTER/STREET STORAGE PERMIT INDEMNITY AGREEMENT

I/We_, intending to be legally bound,

promise to indemnify, save harmless and defend the Borough, its officials, agents, servants, and employees and each of them, against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses, and expenses, including court costs and reasonable attorneys' fees for or on account of any injury to any person or any damage to any property (including the waste dumpster or street storage), which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of a waste dumpster and/or street storage on a street within the Borough.

Property Location_

Location of Dumpster and/or Street Storage_

I/We, the undersigned applicant (s), am/are the owner(s) of the above described property and verify that the statements set forth in this application are true and correct. I/We understand that false statements herein are made subject to the penalties of 18 Pa C.S. §4904 relating to unsworn falsification to authorities. I permit and hereby authorize employees or agents of the Borough to verify such information on the site and in the field.

Signature of Applicant Date

Signature of Applicant Date

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BOROUGH OF GLASSPORT APPLICATION FOR DUMPSTER/STREET STORAGE PERMIT

Location of Property_

Exact location where dumpster/street storage will be placed

Size of dumpster/street storage Company providing dumpster Address:

Phone #:

Attach a certificate of liability insurance in accordance with the Borough Ordinance naming the Borough of Glassport as an additional insured.

Will a chute or similar device or object be constructed or utilized?_

If so, a certificate of insurance covering the use of the chute or similar device or object and naming the Borough as an additional insured must be provided. If a chute or similar object or device is to be erected, constructed or utilized, it must be provided. If a chute or similar object or device is to be erected, constructed or utilized, it must be approved by the Building or Code Official and listed on the Insurance Certificate.

Signature of Applicant_Phone #_

Borough Use Only

Approved by Police Department_

Application complete_

Permit Number_

Fee Paid_

Approved By

Date

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