

## **Chapter 169**

### **SOLID WASTE**

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**[HISTORY: Adopted by the Borough Council of the Borough of Edgewood as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Hazardous materials — See Ch. 123.**

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#### **ARTICLE I** **Refuse Collection Service** **[Adopted 6-9-1989 by Ord. No. 889]**

##### **§ 169-1. Short title.**

This article shall be known and may be cited as the "Municipal Refuse Collection Service Ordinance of the Borough of Edgewood."

##### **§ 169-2. Definitions.**

- A. For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein.**

**ASHES —** The residue from burning wood, coal, or other combustible materials.

**BOROUGH —** The Borough of Edgewood.

**COMMERCIAL ESTABLISHMENT —** Any supermarket, shopping center, hotel, restaurant, club, theater, institution, educational facility, store, industrial facility, office building or comparable facilities used for commerce.

**COUNCIL** — The Council of the Borough of Edgewood.

**DWELLING** — A building or structure, or portion thereof, designed and used or intended to be used exclusively for residential occupancy including single-family, two-family and multifamily dwellings, but not including hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boardinghouse, a vehicle or portable structure whether or not attached to a permanent foundation or rigid supports, or any similar structure.

**DWELLING STRUCTURE** — A structure containing at least one dwelling unit.

**DWELLING UNIT** — A dwelling or portion thereof consisting of one or more rooms with both kitchen facilities and sanitary facilities and designed to be used as a unit for human habitation by not more than one family. The dwelling units in any multiple unit dwelling structure shall not exceed the number registered for that structure with the Borough Manager's office.<sup>1</sup>

**GARBAGE** — All animal and vegetable waste (including offal, carcasses, fat, bone, swill, and vegetable or animal refuse resulting from the storage, handling, preparation and consumption of food, and containers (whether of metal, glass, earthenware, wood, paper or plastic) of one-gallon capacity or less, for food, medicine, beverage and household supplies.

**MANAGER** — The Borough Manager of the Borough of Edgewood.

**PERSON** — Any individual, firm, partnership, association, corporation, company or organization of any kind.

**PLANT MATTER** — Grass and lawn trimmings, leaves, excess fruit from trees, brush and limbs not exceeding four inches in diameter and 36 inches in length; Christmas trees in December, January and February.

**REFUSE** — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

**RUBBISH** — Nonputrescible solid wastes (excluding ashes), consisting of both combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

**TRASH** — All materials normally associated with the use of a structure as a dwelling and discarded by the resident, such as furniture, clothing and clothing accessories (clothes hangers, clothes bags, etc.), luggage, books, lumber and sheet-type building materials (no one dimension exceeding 36 inches), radios, television sets, small household appliances, can or other containers of five gallon capacity or less, and tires. The term "tires" is herein defined as the rubber covering of a pneumatic wheel generally and customarily used on a passenger vehicle.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

WHITE GOODS — Refrigerators, freezers, ranges, washers, dryers and water heaters which shall be collected at the curblane from dwelling units on the same day as the monthly trash collection.

- B. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**§ 169-3. Scope of service.**

All refuse accumulated at dwellings in the Borough shall be collected, conveyed and disposed of by the Borough. No person shall collect, convey over any of the streets or alleys of the Borough, or dispose of any such refuse accumulated in the Borough. Unlimited weekly garbage collection shall be made from all dwelling units, weekly collection of plant matter shall be made from the curblane, and reasonable monthly collection of rubbish and trash shall be made from the curblane of all residential structures, Borough facilities, library and the Edgewood Community Church.

- A. Exceptions for actual producers. This article shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from collecting and disposing of their refuse, provided such producers or owners comply with the provisions of this article and with any other governing law or ordinances.
- B. Exception for outside collectors. This article shall not prohibit collectors of refuse from outside the Borough hauling refuse over Borough streets, provided such collectors comply with the provisions of this article and with any other governing law or ordinance.

**§ 169-4. Supervision by Borough Manager.**

All refuse accumulated at dwellings in the Borough shall be collected, conveyed and disposed of by the Borough under the supervision of the Borough Manager.

**§ 169-5. Precollection practices.**

- A. Preparation of refuse.
- (1) Garbage and refuse will be placed in watertight durable containers, approved by the Borough, equipped with handles or grips, and meeting all sanitary requirements for garbage containers, not exceeding 32 gallons' capacity. Rubbish and/or plant matter will be collected if placed in such containers.
  - (2) Plant matter will be placed in containers durable enough not to disintegrate in rainy or stormy weather, or securely tied or bundled in a manner that can be easily handled, or placed in six-foot-by-six-foot burlap squares or equivalent, which are not to be taken away by the collector, and not in excess of 75 pounds.
  - (3) Christmas trees shall be collected in December, January and February.

- (4) Newspapers may be bundled and transported to the newspaper collection area for recycling on the day and time as designated by the appropriate organization.
- (5) Leaves, without other debris, may be placed in appropriate containers for pickup by the Borough Public Works Department, upon advance notification, and placed at the curb on a day other than the regular pickup day.

B. Storing of refuse.

- (1) Public places. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the Borough, unless placed in proper containers for collection or under express approval granted by the Manager. No person shall throw or deposit any refuse in a sanitary or storm sewer catch basin, stream or other body of water.
  - (a) Unauthorized accumulation. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 20 days after the effective date of this article shall be deemed a violation of this article.
  - (b) Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the Borough any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the Borough.
- (2) Points of collection.
  - (a) Garbage containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than 60 feet from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than 60 feet when approved by the Manager and an additional payment for the extra service is agreed by both parties.
  - (b) Ash, plant matter and rubbish containers shall be placed for collection at ground level on the property, not within the traveled portion of a street, highway or alley, and accessible to and not more than 10 feet from the side of the street, highway or alley from which collection is made.
- (3) Time of placement and removal of ash, plant matter and rubbish containers, responsibility of owner, possessor or occupant.
  - (a) It is the responsibility of the owner, possessor or occupant to place all ash, plant matter and rubbish containers at the curb no earlier than 6:00 p.m. on the day preceding the scheduled pickup day.
  - (b) It is the responsibility of the owner, possessor or occupant to remove all ash, plant matter and rubbish containers from the curb to an area out of public view no later than 5:00 p.m. on the day of pickup.

**§ 169-6. Collection practices.****A. Frequency of collection.**

- (1) Dwelling. Refuse accumulated at dwellings and religious institution shall be collected at least once a week per pickup schedule as determined by the Borough of Edgewood.
- (2) Borough Building. Refuse accumulated at the Borough Building shall be collected not less than five times weekly from the buildings.
- (3) Koenig Field and Dickson Park. Refuse accumulated at Koenig Field and Dickson Park shall be collected at least twice weekly in season and as needed during the off season.
- (4) Commercial establishments. All commercial establishments are excluded from Borough pickup but it shall be the duty of any and all owners or operators of commercial establishments to have all types of refuse, as herein defined, stored, collected and removed from the Borough of Edgewood at their own expense. Refuse shall be collected from such establishments at least once each week or more often if so directed by the Borough Manager in order to prevent a public health nuisance. All persons collecting refuse from such establishments shall comply with all regulations of the Pennsylvania Department of Health, the County of Allegheny Board of Health and the provisions of this article.

**B. Limitation of quantity.** The Borough shall collect a reasonable accumulation of refuse from each dwelling during a normal collection period for the standard fee as set forth by Borough Council by resolution. Reasonableness of the quantity shall be at the discretion of the Borough Manager.**C. Excluded materials.** Excluded materials shall be major items of household equipment such as furnaces and furnace parts, radiators, automobiles, trucks, parts of automobiles and trucks, cardboard, wooden or other boxes having any one dimension exceeding 36 inches, glass earthenware, paper or plastic containers over five-gallon capacity, plywood, sheeting, sheet metal and other sheet-type building materials and lumber having any one dimension exceeding 36 inches, firearms and materials of inflammable or explosive nature, materials normally associated with conduct of a business or practice of a profession.**D. Special refuse problems.**

- (1) Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall not be integrated or placed in containers for regular collections. Such refuse shall be disposed of at the expense of the owner or possessor thereof, as directed by the Manager, in compliance with all Federal, State, County and Borough laws and under the supervision of the appropriate enforcement officer.
- (2) Inflammable or explosive refuse. The removal of inflammable or explosive materials shall not be integrated or placed in containers for regular collections.

Such refuse shall be disposed of at the expense of the owner or possessor thereof, as directed by the Manager, in compliance with all Federal, State, County and Borough laws and under the supervision of the appropriate enforcement officer.

- (3) Radioactive contamination, toxic, asbestos and dangerous refuse. The removal of radioactive contaminated materials, toxic, asbestos and other dangerous refuse shall not be integrated or placed in containers for regular collections. Such refuse shall be disposed of at the expense of the owner or possessor thereof, as directed by the Manager, in compliance with all Federal, State, County and Borough laws and under the supervision of the appropriate enforcement officer.

E. Collection by actual producers and outside collectors. **[Amended 1-18-1993 by Ord. No. 913]**

- (1) Requirements for vehicles. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the Borough who desire to haul over the streets of the Borough shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled, in compliance with Title 75 of the Pennsylvania Consolidated Vehicle Statutes and Regulations.<sup>2</sup>
- (2) Disposal. Collection and disposal of refuse by person so permitted under Subsection E(1) above shall be made only upon specific authorization by the Manager.
- (3) Rules and regulations. The Manager shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over the Borough streets by outside collectors as he shall find necessary.
- (4) Landfills. 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 in subsequent revisions thereto.

**§ 169-7. Fees.**

- A. A per dwelling unit fee for the collection and disposal of refuse is hereby established by this article. The annual fee per unit shall be established by Borough Council from time to time by resolution.
- B. All accounts shall be due and payable by the owner of the real estate as provided for the payment of real estate taxes, and if the same be unpaid within 60 days from the time of the delivery of said bill, the said account shall be considered delinquent and service of collection of said garbage, ashes and rubbish shall be stopped without further notice. It shall be the duty of the Fee Collector, as appointed by Borough Council, to forthwith

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2. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

notify the Borough Manager in a timely manner which bills for the collection of garbage, ashes and rubbish have been unpaid, and the Manager shall certify to the person in charge of directing the collections that service on such delinquent accounts shall cease. Service shall be resumed thereafter, only on payment of all delinquent collection charges and penalties, unless Borough Council specifically directs otherwise. The stoppage of service hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by civil action at law or, at the election of the Borough, by any other manner provided by law.

**§ 169-8. Violations and penalties.<sup>3</sup>**

Any person, whether as principal, agent or employee, violating or aiding and abetting in the violation of any of the provisions of this article shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than \$600 each day of the violation and in default of the payment of such fine and costs of prosecution, shall be imprisoned in the County Jail for a period of not more than 30 days for each violation. Each day of the violation constitutes a separate violation.

**ARTICLE II**

**Recycling**

**[Adopted 7-7-2003 by Ord. No. 981<sup>4</sup>]**

**§ 169-9. Environmental purpose.**

The Borough hereby encourages every household to recycle and remove these types of materials from the waste stream, thereby increasing the life of landfills and improving the environment.

**§ 169-10. Establishment of program; recyclables.**

There is hereby established a mandatory recycling program in the Borough of Edgewood. The materials to be recycled are glass, plastic and aluminum.

**§ 169-11. Recycling bin.**

The Borough will provide to all residents one blue recycling bin for the disposal of recyclable materials. Additional recycling bins can be purchased from the Borough as set forth in Chapter 118, Fees.<sup>5</sup>

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: This ordinance superseded former Art. II, Recycling, adopted 1-3-2000 by Ord. No. 963.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 169-12. Pickup.**

The Borough will determine the schedule for pickup of the comingled recyclable material by resolution. Recycling bins are to be placed at the curb front of the property not more than 24 hours in advance of the pickup.

**§ 169-13. Fees.**

The Borough will not charge a fee for this service, but rather seek grants from the various agencies that regulate recycling in an effort to subsidize the operation of the program, purchase additional recycling bins, expand the collection of recyclables, etc.

**§ 169-14. Effective date.**

This article is effective retroactive to January 1, 2000, and shall be in full force and effect until amended or repealed.