

## **Chapter 142**

### **SOLID WASTE**

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§ 142-25. Remedies not mutually exclusive.

[**HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Art. I, 6-8-1992 as Ord. No. 92-3; Art. II, 11-9-1992 as Ord. No. 92-8; Art. III, 11-9-1992 as Ord. No. 92-9; Art. IV, 3-11-1996 as Ord. No. 96-3. Amendments noted where applicable.**]

#### GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 90.

Junkyards — See Ch. 103.

Littering — See Ch. 108.

Property maintenance — See Ch. 125.

### ARTICLE I

#### Roll-Off Containers

[Adopted 6-8-1992 as Ord. No. 92-3]

#### § 142-1. Title.

This Article may be cited as the "Borough of South Greensburg Solid Waste Disposal Ordinance."

#### § 142-2. Purposes.

The purposes of this Article are to:

- A. Ensure the safe and effective utilization of roll-off containers.
- B. Establish a program of regulation for the placement and utilization of roll-off containers within the Borough of South Greensburg.

#### § 142-3. Definitions.

For the purposes of this Article, the following words shall have the following meanings:

**DISPOSAL** — The deposition, injection, dumping, spilling, leaking or placing of solid waste into receptacles commonly called "roll-off containers" for the temporary collection of solid waste.

**ROLL-OFF CONTAINER** — Any receptacle used for the collection and containment of solid waste on a temporary basis, which receptacles are transported to and from a particular site or sites within the Borough of South Greensburg for the purpose of collecting and disposing of said solid waste.

SOLID WASTE — Any refuse, including solid or semisolid material, resulting from operation of construction and/or similar type activities, but specifically not including garbage resulting from residential use, nor industrial, hazardous and/or medical waste.

**§ 142-4. Permit required; issuance; fee; non-transferability. [Amended 10-12-2012 by Ord. No. 2012-10.]**

A. No person shall place or utilize any roll-off container within the Borough of South Greensburg without first obtaining a permit for such roll-off container in compliance with the provisions of this Article.

B. The Borough Secretary or his designee is authorized to issue permits in accordance with the terms hereof and with the approval of Council for the Borough of South Greensburg to suspend, revoke or deny permits to achieve the purposes of this Article. Any permit granted under this Article shall be valid for a period of thirty (30) days after its date of issuance, and each permit must be renewed monthly before the expiration date set forth on the permit. The fee to cover the cost associated with issuance of a permit or permit renewal shall be as designated by Council pursuant to §1-16 herein, which fee shall be paid immediately upon issuance or renewal of the permit. A permit shall be required for each roll-off container.

C. Permits issued under this Article are not transferable or assignable under any circumstances.

**§ 142-5. Application.**

A. Applicants for a permit under this Article shall file with the Borough Secretary a written application in form approved by the Borough of South Greensburg prior to the placement or utilization of a roll-off container with the Borough of South Greensburg.

B. After submission of the application and when it has been determined that the application and its supporting data is complete and that the proposed placement and use of the roll-off containers meets the requirements of this Article and the rules and regulations promulgated thereunder, a permit will be granted.

C. With the submission of this application, the application shall include a narrative explaining:

- (1) The nature of the solid waste, by source and type of material, that will be placed within the roll-off container.
- (2) The precise location of the roll-off container and the proposed methodology for providing for litter and dust control and for maintaining appropriate fire and health safety.
- (3) The method and route for removal of the roll-off container.

**§ 142-6. General provisions.**

A. Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site of the roll-off container.

B. Litter control measures in and about the roll-off container shall be provided to prevent litter to accumulate in the area surrounding the roll-off container.

C. Provisions shall be made to prevent dust from causing health or safety hazards or public nuisances.

- D. Operations and use of the roll-off containers shall, in no way, cause health or safety hazards or public nuisances. The area surrounding the roll-off containers shall be cleaned daily to prevent odors, vectors and other nuisances. No drainage shall emit from the roll-off container.
- E. The roll-off container shall be provided with a suitable cover which shall remain in place during the entire time of the use of the roll-off container.
- F. Vehicles transporting the roll-off containers shall travel only those designated routes that are established by the Borough Secretary with Borough Council's approval.

**§ 142-7. Suspension and revocation of permit.**

The Borough Secretary may immediately suspend a permit issued in accordance with § 142-5 of this Article if a permittee or any of the agents, servants or employees of such permittee are in violation of this Article or any of the rules and regulations pursuant thereto. Citation shall be issued daily if violations continue.

**§ 142-8. Inspections.**

The Borough Secretary or his designate, the fire official, law enforcement officer or zoning official or representative of the Borough of South Greensburg shall have the authority to inspect all roll-off containers as often as may be necessary for the purpose of ascertaining or causing to be corrected any condition which may be a violation of this Article or any rule or regulation promulgated thereunder.

**§ 142-9. Violations and penalties.**

Any person who violates any provision of this Article or of the rules and regulations promulgated pursuant thereto shall be subject to a fine of not more than six hundred dollars (\$600.) and, in default of payment, to imprisonment for not more than thirty (30) days. Each day's violation of any provision of this Article shall constitute a separate offense, and the violation of each section hereof shall constitute a separate offense.

**ARTICLE II**  
**Licensing for Municipal Waste Haulers**  
**[Adopted 11-9-1992 as Ord. No. 92-8]**

**§ 142-10. Title.**

This Article shall be known and referred to as the "Borough Licensing Ordinance."

**§ 142-11. Definitions; word usage.**

- A. The following words and phrases, as used in this Article, shall have the meanings ascribed to them herein, unless the context clearly indicates a different meaning:

ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988-101, July 28, 1988).

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

COMMERCIAL ESTABLISHMENT— Any establishment engaged in nonmanufacturing or non-processing business, including but not limited to stores, markets, offices, restaurants, shopping centers and theaters.

BOROUGH — The Borough of South Greensburg, Westmoreland County, Pennsylvania, or any agency designated as the borough's representative for the purpose of this Article.

BOROUGH LICENSED COLLECTOR or WASTE

HAULER — Any municipal waste collector or hauler possessing a current borough license issued pursuant to this Article.

DEPARTMENT or DER— The Pennsylvania Department of Environmental Resources.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or production activities, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT — Any establishment or facility engaged in services, including but not limited to hospitals, nursing homes, schools and universities.

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

MUNICIPALITY — Any local municipal government within Westmoreland County.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include any source-separated recyclable materials or material approved by the PADER for beneficial use. For the purpose of this Article, the term "municipal waste" shall not include infectious and chemotherapeutic waste since all haulers of infectious and chemotherapeutic waste are licensed and regulated by the DER under special regulations.

MUNICIPAL WASTE LANDFILL — Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DER for such purposes.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, state institution and agency or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Article prescribing a fine, penalty or imprisonment, 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 or all of such materials for off-site reuse. Processing facilities include but are not limited to transfer stations, composting facilities and resource recovery facilities.

SCAVENGING — The unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

TRANSPORTATION— The off-site removal of any municipal waste at any time after generation.

- B. For the purposes of this Article, the singular shall include the plural and the masculine shall include the feminine and neuter.

**§ 142-12. Prohibited activities.**

- A. It shall be unlawful for any person to collect and/or transport municipal waste generated by any residential, commercial, public or institutional establishment within the Borough of South Greensburg without first securing a license to do so in accordance with the provisions of this Article.
- B. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within the Borough of South Greensburg in a manner that is not in accordance with the provisions of this Article and the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations.
- C. All municipal waste collected from sources located within the Borough of South Greensburg, except for sewage sludge and septage which is processed or disposed of according to DER regulations, must be delivered to a processing or disposal facility designated under the Westmoreland County Act 101 Municipal Waste Management Plan.
- D. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within the Borough of South Greensburg without prior written approval from the county and the local municipality.

**§ 142-13. Standards for collection and transportation.**

- A. All collectors or waste haulers operating within the borough must comply with the following minimum standards and regulations:
  - (1) All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.
  - (2) All collection vehicles conveying municipal waste shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
  - (3) All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.
  - (4) All collection vehicles conveying non-putrescible municipal waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.
  - (5) All collection vehicles conveying municipal waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of municipal waste transported by the vehicle. All such signs shall have lettering which is at least six (6) inches in height as required by Act 101.
- B. All collection vehicles and equipment used by borough licensed collectors or haulers shall be subject to inspection by the borough or its authorized agents at any reasonable hour without prior notification.

**§ 142-14. Licensing requirements.**

- A. No person shall collect, remove, haul or transport any municipal waste through or upon the streets of the Borough of South Greensburg without first obtaining a license from the Borough of South Greensburg in accordance with the provisions of this Article.
- B. All collectors and waste haulers licensed by the Borough of South Greensburg shall be designated as a "borough licensed waste hauler" or a "borough licensed collector."
- C. The borough shall have the right to designate the specific processing and/or disposal facilities where borough licensed collectors must transport and dispose any municipal solid waste collected from sources within the Borough of South Greensburg.
- D. Any person who desires to collect, haul or transport municipal waste within the Borough of South Greensburg shall submit a license application and any license application fee to the Borough of South Greensburg or its designated agent. The Borough of South Greensburg or its designated agent shall have a minimum period of thirty (30) calendar days to review any license application and take approval or denial action.
- E. The license fee shall be set by the Borough of South Greensburg on an annual basis. All licenses are nontransferable and shall be issued for a period of one (1) calendar year. There shall be no reduction or prorated fee for any license issued during the middle of any calendar year.
- F. The license application form, which will be supplied by Council for the Borough of South Greensburg, shall set forth the minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste, including but not necessarily limited to:
  - (1) The name and mailing address of the applicant.
  - (2) The name and telephone number of contact person.
  - (3) A list of all collection vehicles to be covered under the license, including identification information for each vehicle, such as vehicle license number and company identification number.
  - (4) The type of municipal waste collected and transported.
  - (5) Certificate(s) of insurance to present evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by the Borough of South Greensburg.
- G. Any collector or hauler with an existing license shall submit a license renewal application and license fee to Council for the Borough of South Greensburg or its designated agent at least sixty (60) days prior to the expiration date of the existing license, if renewal of the license is desired. All new license applicants must submit a license application and license fee at least thirty (30) days before beginning collecting and transporting municipal waste within the Borough of South Greensburg.
- H. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this Article or is in violation of the provisions of this Article.

#### **§ 142-15. Reporting requirements.**

- A. All borough licensed collectors shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to Council for the Borough of South Greensburg or its designated agent.
- B. All borough licensed collectors shall maintain current up-to-date records of the customers serviced within the Borough of South Greensburg. Such records and customer lists shall be subject to

inspection and must be made available to the Council for the Borough of South Greensburg or its designated agent upon request.

- C. Each borough licensed collector shall prepare and submit a semiannual report to the Council for the Borough of South Greensburg or its designated agent. The report for the first six (6) calendar months of each year (January through June) shall be submitted on or before July 31 and the report for the second six (6) calendar months of each year (July through December) shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each semiannual report:
- (1) The total weight of each type of municipal waste collected from all sources located in the Borough of South Greensburg during each month of the reporting period.
  - (2) The name of each processing or disposal facility the hauler used during the reporting period and the total weight of each type of municipal waste that was delivered to each site during each month of the reporting period.

#### **§ 142-16. Violations and penalties.**

- A. Any person who violates any provision of this Article shall be guilty of a misdemeanor which is punishable, upon conviction, by a fine of not less than three hundred dollars (\$300.) nor more than one thousand dollars (\$1,000.) or by imprisonment for a period of not more than ninety (90) days, or both. Each day of violation shall be considered as a separate and distinct offense.
- B. The Council for the Borough of South Greensburg, or its designated agent, shall have the right at any time, after a hearing, without refund of any license fee, to suspend or revoke the license of any borough licensed collector or hauler for any of the following causes:
- (1) Falsification or misrepresentation of any statements in any license application.
  - (2) Lapse or cancellation of any required insurance coverages.
  - (3) Collection and/or transportation of any municipal waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Article.
  - (4) Transportation and disposal of any municipal waste collected from sources within the Borough of South Greensburg at any site other than those processing or disposal facilities designated by the borough.
  - (5) Violation of any part of this Article, any other applicable borough or municipal ordinances or other applicable Pennsylvania laws or regulations.

#### **§ 142-17. Injunctive powers.**

The borough may petition the Court of Common Pleas of Westmoreland County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Article.

### **ARTICLE III**

#### **Municipal Waste Disposal Sites**

**[Adopted 11-9-1992 as Ord. No. 92-9]**

#### **§ 142-18. Designation of facilities.**

- A. The county-designated facilities that will be utilized for the long-term disposal of the municipal waste generated within the Borough of South Greensburg in accordance with the requirements of the approved County Plan are listed below in alphabetical order:



- (1) The Municipal Authority of Westmoreland County Sanitary Landfill in Rostraver Township, Westmoreland County, Pennsylvania.
  - (2) Waste Management of PA, Inc.'s County (formerly "Y & S Maintenance") Landfill in East Huntingdon Township, Westmoreland County.
  - (3) Westmoreland County's Waste-to-Energy Plant in Hempfield Township, Westmoreland County.
- B. The Borough of South Greensburg hereby intends to enact the necessary local ordinances requiring that all municipal waste generated within its boundaries must be disposed at the county-designated facility selected by the Borough of South Greensburg pursuant to this Article or any other facility designated by Westmoreland County in accordance with the requirements of the Pennsylvania Department of Environmental Resources and the approved County Plan.

**ARTICLE IV**  
**Appliances Containing Freon**  
**[Adopted 3-11-1996 as Ord. No. 96-3]**

**§ 142-19. Definitions.**

- A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

OWNER — The actual owner or custodian of any appliance containing the freon which is placed for garbage collection within the Borough of South Greensburg.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

PROPERTY LESSEE — The owner, for the purpose of this Article, where the appliance involved is owned by property lessee.

PROPERTY OWNER — The actual owner or custodian of the real estate on which the appliance involved is situate.

- B. In this Article, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**§ 142-20. Disposal of appliances containing freon.**

It shall be unlawful for any person to place any appliance containing freon for garbage collection within the borough without first having had the freon removed from the appliance and a certification issued that the freon has been removed.

**§ 142-21. Certification.**

- A. Certification of freon removal shall be supplied to the Borough Secretary prior to the appliance being placed for garbage collection.
- B. In the event that an owner places an appliance for collection in violation of § 142-20, then the borough shall have the power to secure the removal of said freon and a certification of freon removal.

**§ 142-22. Violations and penalties.**

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than one hundred dollars (\$100.) and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days.

**§ 142-23. Liability of property owner.**

- A. In the event that an appliance owner places an appliance with freon for garbage collection without first having the freon removed and obtaining a certification, then the borough, prior to proceeding under § 142-21 of this Article, shall notify the property owner in writing of the violation of this Article and give the property owner the opportunity, within a period of seven (7) days from the date of notice, to have the freon removed from the appliance and to secure the required certification.
- B. In the event that a property owner after said notification fails to secure said freon removal and certification, then said property owner may also be subject to the penalty provisions of § 142-22 herein.

**§ 142-24. Election.**

At the request of any person responsible for the removal of freon as herein provided, the Borough of South Greensburg may, upon payment of an amount of money equal to the actual cost to the Borough of South Greensburg, undertake the removal of freon and obtaining of certification as herein provided.

**§ 142-25. Remedies not mutually exclusive.**

The remedies provided herein for the enforcement of this Article or any remedy provided by law shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough of South Greensburg Council.