

SOLID WASTE ORDINANCE

BOROUGH OF WEST NEWTON  
WESTMORELAND COUNTY, PENNSYLVANIA  
ORDINANCE NO. 1994-1

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON, WESTMORELAND COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING, AND BURNING OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID MUNICIPALITY, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE; REQUIRING THAT ALL GARBAGE, RUBBISH, AND OTHER REFUSE BE CONVEYED TO A TRANSPORTATION, PROCESSING OR DISPOSAL FACILITY DESIGNATED BY THE 1990 WESTMORELAND COUNTY MUNICIPAL WASTE MANAGEMENT PLAN; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS IN SAID MUNICIPALITY; THE ESTABLISHMENT OF FEES AND CHARGES FOR THE COLLECTION OF GARBAGE, RUBBISH, AND REFUSE IN SAID MUNICIPALITY AND PROVIDING FOR THE LICENSING OF AUTHORIZED COLLECTORS THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners have adopted the 1990 Municipal Waste Management Plan for Westmoreland County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan has been duly ratified by the Municipalities of Westmoreland County; and

WHEREAS, pursuant to the authority vested to the municipality by the Pennsylvania Solid Waste Management of 1980 (Act 97) and (Act 101), the Borough of West Newton desires to enact an Ordinance regulating the storage, collection, and disposal of rubbish, refuse, and garbage in the Municipality.

NOW, THEREFORE, the Borough of West Newton, Westmoreland County, Pennsylvania hereby enacts and ordains as follows:

**SECTION I: SHORT TITLE**

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

**SECTION II: DEFINITIONS**

The following words and phrases as used in this Ordinance shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

Act 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 (SB528, Act 1988-101, July 1988).

Bulky Waste -- means 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 -- means any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to

stores, markets, office buildings, restaurants, shopping centers and theaters.

Container -- a portable device in which waste is held for storage or transportation.

County -- shall mean the County of Westmoreland or the Westmoreland County Board of County Commissioners.

Department or DER -- shall mean the Pennsylvania Department of Environmental Resources (DER).

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

Domestic Waste or Household Waste -- means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage -- means any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Hauler or Private Collector -- means any person, firm, partnership, associations or corporation engaged in the collection or transportation of municipal waste.

Hazardous Waste -- means any solid waste or combination of solid wastes, as defined in Act 97, which because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

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

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

Leaf Waste -- Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Municipal Waste -- means 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 a municipal, commercial or institutional water supply treatment

plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

Municipality -- shall mean Borough of West Newton, Westmoreland County, Pennsylvania.

Occupied Dwelling -- a permanent building or fixed mobile home that is currently being used on a regular or temporary basis for human habitation.

Person -- means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance which prescribe 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/directors.

Processing - means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or 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.

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 mechanical separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Recycling Facility -- A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term recycling facility shall not mean transfer stations or landfills for solid waste, nor composting or resource recovery facilities.

Refuse -- All useless, discarded solid waste materials.

Residual Waste -- means 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." The term 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 Act of June 22, 1937, (P.L. 1987, No. 394) known as the Clean Streams Law.

Resource Recovery Facility -- A facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts

materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product or other usable material. The term does not include methane gas extraction from a municipal waste landfill, nor any separation and collection center, drop-off point or collection center for recycling municipal waste, or any source separation or collection center for composting leaf waste.

Rubbish -- means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

### **SECTION III: 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 minimum standards for the storage of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter A Regulations for the Storage of Municipal Waste.

### **SECTION IV: STANDARDS AND REGULATIONS FOR COLLECTION**

1. All households and homeowners shall utilize the services of a Licensed Collector as authorized by the Borough for disposal of their domestic waste.
2. All Licensed Collectors and Licensed Waste Haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter B Regulations for Collection and Transportation of Municipal Waste.
3. All municipal waste collected within the Municipality shall only be conveyed or transported to Sanitary Landfill, which is the County designated disposal facility selected by the Municipality pursuant to the approved Municipal Waste Management Plan for Westmoreland County by Resolution No. 19-1991.

### **SECTION V: LICENSING REQUIREMENTS**

1. No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Municipality without first obtaining a license from the Westmoreland County Department of Planning and Development pursuant to the requirements of County Ordinance No. 2-1992.

### **SECTION VI: INJUNCTION POWERS**

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

### **SECTION VII: PENALTIES**

Any person who violates any provision of this Ordinance shall, upon

conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$50.00, nor more than \$100.00, or in default of payment of such fine, then by imprisonment for a period of not more than 30 days, or both. Each day of violation shall be considered a separate and distinct offense.

**SECTION VIII: SEPARABILITY**

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

**SECTION IX: CONFLICT**

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

**SECTION X: EFFECTIVE DATE**

This Ordinance shall take effect on October 10, 1994.

ENACTED AND ORDAINED into an Ordinance this the 10th day of October, 1994.

Borough of West Newton

BY: Marlene Yurkovich  
Marlene Yurkovich, President

ATTEST:

Pamela M. Fleshman  
Pamela M. Fleshman, Secretary

APPROVED BY ME THIS 10TH DAY OF OCTOBER, 1994.

BY: George J. Thuransky  
George J. Thuransky, Mayor