

## CHAPTER 20

### SOLID WASTE

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## Part 1

## Collection, Removal and Disposal

§101. Definitions. The following words and terms, as used in this Part 1, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

CONTAINER - either

A. a receptacle designed and intended for the storage of refuse, made of metal or plastic or equivalent material, of substantial construction and having a tight-fitting cover sufficient to keep out water and to prevent disturbance of the contents by animals and entrance by insects; or

B. a heavy-duty plastic bag designed and intended for the storage of refuse and having an adequate tie or closure.

GARBAGE - animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods, and not including more than a minimum amount of free liquid.

RUBBISH - all waste materials not included in the definition of "garbage" and not including human waste that is commonly disposed of through sanitary sewers.

REFUSE - "garbage" and "rubbish" as defined in this section.

SOLID WASTE - a synonym for refuse.

(Ordinance 538, October 13, 1970, §§1 and 2; as revised by Ordinance 621, December 14, 1983)

§102. Solid Waste Collected by Licensed Collector; Agreement. Except as otherwise permitted by §104, all solid waste originating within the Borough shall be collected, removed and disposed of by the person designated by Council as the licensed Borough collector. He shall serve under an agreement with the Borough, valid for a period of one (1) year or for any period of time determined from time to time by Council. The agreement may contain, in addition to the provisions of this Part 1, any other provisions not in conflict with this part that may be considered appropriate. It shall contain a requirement that the licensed Borough collector give bond, in the amount required by Council, with approved surety, for the faithful performance of the contract. (Ordinance 538, October 13, 1970, §§3 and 6; as revised by Ordinance 621, December 14, 1983)

§103. Duties of Collector.

1. The collector shall use only vehicles meeting with approval of Council, and conforming to the provisions of the contract relating to construction and sanitary maintenance. He shall not permit any solid waste to spill or leak from his vehicle upon any street or alley in the Borough or to be blown about at the time of collection or while being transported by him.

2. The collector shall collect solid waste following regular and fixed routes and schedules and on days and hours set out or provided for in the contract. Refuse shall be collected from residences once each week; collections shall be made daily from restaurants and hotels.

(Ordinance 538, October 13, 1970, §4; as revised by Ordinance 621, December 14, 1983)

§104. Unlawful Means of Collection; Special Arrangements. It shall be unlawful for any person other than the licensed Borough collector to collect solid waste from any premises, or for any person occupying any premises in the Borough, or producing solid waste in the Borough, to permit solid waste to be taken from his premises by anyone other than the licensed Borough collector, except that Council may authorize other arrangements to be made for collection and removal of garbage from restaurants, hotels and establishments engaged in selling foodstuffs or in manufacturing or processing activities where large quantities of garbage are produced. (Ordinance 538, October 13, 1970, §4; as revised by Ordinance 621, December 14, 1983)

§105. Duties of Persons With Solid Waste for Collection. Every person from whose premises solid waste is collected shall:

A. be required to provide and keep at all times one (1) or more containers for solid waste;

B. store all solid waste produced by him in a container during the period between collections by the collector;

C. be responsible for keeping the solid waste container in a sheltered location so as to prevent it from being frozen to the ground;

D. be responsible for placing the solid waste, in the prescribed container, in a location accessible to the collector, as stipulated in the contract with the collector, before the scheduled time for collection;

E. be responsible for keeping the container in good repair and sanitary condition;

F. not allow waste to accumulate or remain in any container on his premises for longer than a period of one (1) week. Any failure on the part of any such person to conform to all requirements of this section shall constitute a violation of this part.

(Ordinance 538, October 13, 1970, §4; as revised by Ordinance 621, December 14, 1983)

§106. Penalty for Violation. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. (Ordinance 538, October 13, 1970, §4; as revised by Ordinance 621, December 14, 1983)

Part 2

Recycling and Waste Reduction

§201. Purposes. The purposes of this Part are to:

A. Promote the conservation of natural resources by requiring the recycling of certain waste materials;

B. Protect the public health, safety and welfare from the dangers involved in the collection, transportation, processing, storage and disposal of waste;

C. Reduce the quantity of solid waste going to landfills or other disposal facilities;

D. Comply with the requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act No. 1988-191).

(Ordinance 646, December 12, 1989)

§202. Interpretation. The provisions of this Part shall be interpreted according to the following principles:

A. Words used in this Part which are not specifically defined in either §203, the regulations on recycling adopted by the Borough Council, or the Municipal Waste Planning, Recycling and Waste Reduction Act shall have their common or ordinary meanings, as shown by a standard dictionary.

B. The various provisions of this Part shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, the efficiency of the remaining provisions shall not be impaired.

(Ordinance 646, December 12, 1989)

§203. Definitions. As used in this Part, the following words and phrases shall have the meanings specified:

ALUMINUM CANS - containers made entirely of aluminum metal.

BOROUGH - the Borough of Beaver.

COMMERCIAL ESTABLISHMENT - a property used for business, professional or industrial activity, including (but not limited to) retail stores, restaurants, motor vehicle fuel or service stations, banks and other financial institutions, funeral homes, professional offices, etc.

CORRUGATED PAPER - a material consisting of two (2) or more pieces of pasteboard or kraft paper separated by and connected to a corrugated paper lining.

HIGH-GRADE OFFICE PAPER - includes paper used for general business purposes, such as correspondence, order forms, invoices, statements of account, envelopes, etc. It does not include newspapers or other newspapers or other newsprint; magazines, catalogs, brochures or leaflets having a glossy finish; corrugated paper or other cardboard; kraft paper bags or wrappers.

INSTITUTIONAL ESTABLISHMENT - any property used by a governmental agency or non-profit organization for activity which involves assembly of people, including (but not limited to) schools, churches, hospitals, nursing homes, etc.

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

MUNICIPAL ESTABLISHMENT - any property owned or occupied by a county, borough, township or other municipality.

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, government unit or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or civil 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.

RECYCLING - the collection, separation, recovery and sale or re-use of metals, glass, paper, leaf waste, plastic and other materials which would otherwise be disposed or processed as waste or the mechanized separation and treatment of waste (other than through combustion) and creation and recovery of reuseable materials other than a fuel for the operation of energy.

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 in the Solid Waste Management Act (Act No. 97 of 1980, as amended) 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.

Any words or phrases used in this Part which are specifically defined in the Municipal Waste Planning, Recycling and Waste Reduction Act shall have the same meaning as there ascribed.

(Ordinance 646, December 12, 1989)

§204. Recycling Program. A source-separation and collection program for the recycling of selected materials is hereby established. The requirements of this program are:

A. Persons shall separate the materials designated in regulations adopted by the Borough Council from the other waste generated at their homes, apartments and other residential establishments, and shall store such separated materials until collection.

B. Persons shall separate leaf waste from other waste generated at their homes, apartments and other residential establishments and shall store such separated leaf waste until collection.

C. Persons shall separate high-grade office paper, aluminum, corrugated paper and any other materials designated in regulations adopted by the Borough Council from the other waste generated at commercial, municipal or institutional establishments and from community activities, and shall store such separated materials until collection.

D. Separated materials shall be placed for collection at the curbside or any other locations designated in regulations adopted by the Borough Council, on days designated in such regulations.

E. An owner or landlord (or the agent of an owner or landlord) of multifamily rental properties with four (4) or more units will be permitted to comply with his responsibilities under §204(A) by establishing at each property a collection system for materials designated for recycling. The collection system must include suitable containers for sorting materials, ample numbers of containers, easily accessible locations for containers, and legible and readily understood written instructions to tenants or occupants concerning the availability and use of the collection system.

The owner or landlord (or his agent) shall include in any lease, as a condition of occupancy, that the tenant separate those materials designated for recycling from the waste generated in his dwelling unit and utilize the collection system established for the property.

F. Collection or pick-up of separated recyclable materials from the curbside shall be made only by a person or persons expressly authorized to do so by contract or franchise granted by the Borough. No unauthorized person shall collect or pick up any separated recyclable materials from the curbside.

(Ordinance 646, December 12, 1989)

§205. Exemptions. Persons who occupy commercial, institutional or municipal establishments within the Borough may apply to the Council for an exemption from the requirements of §204(C). To be eligible for an exemption, the application must (1) otherwise provide for the recycling of the materials involved, and (2) provide written documentation to the Borough by January 31 of each year of the total number of tons recycled during the preceding year.

(Ordinance 646, December 12, 1989)

§206. Regulations. The Borough Council shall adopt and publish regulations to implement the recycling program contemplated by this Part. Such regulations may be amended at any time by motion or resolution adopted by the Council.

(Ordinance 646, December 12, 1989)

§207. Prohibitions, Offenses and Penalties.1. Prohibited Acts.

A. It is unlawful for any person to dump or deposit any grass clippings, leaf waste, yard waste or other waste upon any property owned by the Borough, except in accordance with a written permit issued to said person by an authorized official of the Borough.

B. It is unlawful for any person to dump or deposit any grass clippings, leaf waste, yard waste or other waste upon any property owned by the Borough, except in accordance with Borough regulations posted at the dump or deposit site.

C. It is unlawful for any person to violate any regulation issued by the Borough pertaining to the disposal of waste.

2. Offenses.

A. Any person who violates any provision of this Part, or any regulation adopted to implement the requirements of this Part, shall be guilty of a summary offense.

B. Each violation of any provision of this Part, or any related regulation, shall be deemed a separate offense.

C. Each day a violation is continued shall be deemed a separate offense.

3. Penalties. A person convicted of an offense under this Section shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), plus all costs of prosecution, or in default of payment, to undergo imprisonment for not less than three (3) nor more than thirty (30) days.

4. Enforcement Costs. The Borough shall be entitled to recover from the person or persons responsible for a violation all expenses paid or incurred by the Borough relating to the correction thereof and the enforcement of this Part. Such expenses shall include (but not be limited to):

A. Costs of labor, materials or equipment.

B. Attorney's fees relating to preparation for and attendance at any legal proceedings.

C. Court costs.

Such costs shall be collected by the Borough in the manner provided by State law for the collection of municipal claims, or by a civil court action, as the Borough may see fit.

(Ordinance 646, December 12, 1989; as amended by Ordinance 779, 8/14/2012, §1)

§208. Authority. This Part is enacted pursuant to the Municipal Waste Planning, Recycling and Waste Reduction Act (Act No. 1988-101), and Sections 1106(3) and 1202 of the Borough Code. (Ordinance 646, December 12, 1989)

§209. Effective Date. This Part shall become effective on September 26, 1991. (Ordinance 646, December 12, 1989)

Part 3

Municipal Waste Flow Control

§301. Purposes. The purposes of this Part are to:

A. Assure the adequate and proper collection, transportation and storage of municipal waste which is generated or present within the boundaries of this Borough.

B. Protect the public health, safety and welfare from the dangers involved in the collection, transportation, processing, storage and disposal of waste.

C. Implement the terms and accomplish the objectives of the Municipal Solid Waste Management Plan and the Municipal Waste Flow Control Ordinance adopted by the County of Beaver.

D. Comply with the requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act No. 1988-101).

(Ordinance 666, June 8, 1993, §301)

§302. Interpretation. The provisions of this Part shall be interpreted according to the following principles:

A. Words used in this Part which are not specifically defined in either §303 or the Municipal Waste Planning, Recycling and Waste Reduction Act shall have their common or ordinary meanings, as shown by a standard dictionary.

B. The various provisions of this Part shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, the efficacy of the remaining provisions shall not be impaired.

C. The terms and provisions of this Part are to be liberally construed, so as to best achieve its purposes.

(Ordinance 666, June 8, 1993, §302)

§303. Definitions.

1. As used in this Part, the following words and phrases shall have the meanings specified:

BOROUGH - the Borough of Beaver.

COMMERCIAL ESTABLISHMENT - a property used for business, professional or industrial activity including (but not limited to) retail stores, restaurants, motor vehicle fuel or service stations, banks or other financial institutions, funeral homes, professional offices, etc.

COUNTY - the County of Beaver.

DER - the Department of Environmental Resources of the Commonwealth of Pennsylvania.

INSTITUTIONAL ESTABLISHMENT - any property used by a governmental agency or nonprofit organization for activity which involves assembly

of people including (but not limited to) schools, churches, hospitals, nursing homes, etc.

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 in the Solid Waste Management Act (Act No. 97 of 1980, as amended) from a municipal, commercial or institutional water treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, governmental unit or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine or imprisonment, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

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 in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

2. Any words or phrases used in this Part which are specifically defined in the Municipal Waste Planning, Recycling and Waste Reduction Act shall have the same meaning as there ascribed.

(Ordinance 666, June 8, 1993, §303)

§304. Licensing. Any person who collects or transports waste within the Borough shall have an appropriate license issued by the County.  
(Ordinance 666, June 8, 1993, §304)

§305. Disposal. All municipal waste generated within the Borough (other than materials covered by the Borough's recycling program) shall be transported to and processed or disposed of at facilities designated by the Borough through a waste disposal agreement, or at facilities designated under the County's Municipal Solid Waste Management Plan. (Ordinance 666, June 8, 1993, §305)

§306. Facilities.

1. No person other than the Borough shall use, or cause or permit the use of, any property owned or occupied by that person within the Borough as a new municipal waste processing or disposal facility without the express written approval of the Borough, the County and DER.

2. The foregoing prohibition shall not interfere with the operation of any existing facility; provided, that:

A. The owner/operator of the facility has an approved permit or has submitted a permit application to DER prior to April 9, 1990.

B. The facility does not accept municipal waste from any sources within the County other than those authorized by the facility's permit.

3. The above prohibition shall not apply to the operation of the Borough's recycling program.

(Ordinance 666, June 8, 1993, §306)

§307. Injunctive Relief.

1. Any conduct in violation of any provision of this Part shall be deemed a public nuisance.

2. In case any such conduct occurs or is threatened, the Borough may commence an action in equity for an injunction to abate or prevent the nuisance.

(Ordinance 666, June 8, 1993, §307)

§308. Criminal Penalties.

1. Offense Defined.

A. Any person who violates any provision of this Part shall be guilty of a summary offense.

B. Each violation of any provision of this Part shall be deemed a separate offense.

C. Each day a violation is continued shall be deemed a separate offense.

2. Penalties. A person convicted of an offense under subsection (1) shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) plus all costs of prosecution, or in default of payment, to undergo imprisonment for not less than three (3) nor more than thirty (30) days.

(Ordinance 666, June 8, 1993, §308)

§309. Concurrent Remedies. The remedies and penalties prescribed in this Part shall be deemed concurrent, and the existence or exercise of any remedy shall not preclude the Borough from pursuing another remedy under this Part or otherwise provided by statute or common law. (Ord. 666, June 8, 1993, §309)

