

**TOWNSHIP OF O'HARA  
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA REGULATING  
THE STORAGE, COLLECTION, AND DISPOSAL OF SOLID WASTE;  
REPEALING AND RESTATING ORDINANCE NO. 912 IN ITS  
ENTIRETY; AND PROVIDING PENALTIES FOR THE VIOLATION OF  
THIS ORDINANCE**

**WHEREAS**, the Township of O'Hara has undertaken a review of its existing Solid Waste Ordinance; and

**WHEREAS**, pursuant to the authority vested in the Township by the Pennsylvania Solid Waste Management Act 97 of 1980, as amended, the Council of the Township of O'Hara is desirous of updating the Ordinance regulating the storage, collection, and disposal of garbage, rubbish, and refuse in the Township.

**IT IS HEREBY ORDAINED AND ENACTED** by the Council of the Township of O'Hara, Allegheny County, Pennsylvania, as follows:

**SECTION I: SHORT TITLE**

The short title of this Ordinance shall be the "Township of O'Hara Solid Waste Ordinance", and the same may be cited in that manner.

**SECTION II: REPEALING ORDINANCES**

Township of O'Hara Ordinance No. 912 is hereby repealed in its entirety.

**SECTION III: DEFINITIONS**

The following words and phrases used throughout this Ordinance shall have the following meanings:

Act or Act 97 - the Pennsylvania Solid Waste Act of 1980 (P.L. 380, NO. 97 of July 7, 1980) as amended.

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 marketing of all agronomic, horticultural, silvicultural, and agricultural crops or

commodities grown on what are usually recognized and accepted as farms, forest, or other agricultural lands.

Back Yard Collection - the collection of municipal solid waste from residential properties at a location other than curbside.

Bag – plastic sack designed for municipal waste with sufficient wall strength to maintain physical integrity when lifted by the top with a capacity not to exceed 40 gallons and a loaded weight not to exceed 50 pounds.

Brush - material resulting from landscaping or trees, such as leaves, limbs or twigs from trees, or cuttings from trees, shrubbery, hedges and similar matter.

Bulky Waste - large waste items including, but not limited to, appliances, furniture, and similar items, but does not include automobile parts, excessive construction and demolition waste, stones, rocks, and similar items.

Collection Container - a receptacle used for the temporary storage of solid waste while awaiting collection that is rodent and insect proof.

Collector - the entity or entities authorized by the Township to collect solid waste from residences, or authorized by multi-family rental housing properties, or by commercial and institutional establishments that do not receive collection services from the Township to collect solid waste from those establishments.

Commingled – recyclable glass, aluminum, metal cans, plastics and papers mixed together or combined into one container.

Commercial Establishments - those properties used primarily for commercial and industrial purposes, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, theaters, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

Commercial Solid Waste - all solid waste generated by commercial and industrial businesses.

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

Council - the Council of the Township of O’Hara.

Curb Collection - from any structure, a point at the side of a public roadway abutting the property or from a structure abutting a private roadway, a point at the side of the private

roadway, provided the property owner has issued a waiver for collection vehicles to travel along the roadway for collection.

Department - the Pennsylvania Department of Environmental Resources and its authorized representatives.

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, is emitted into the air or is discharged into the waters of the Commonwealth of Pennsylvania.

Garbage - any solid waste derived from animal, grain, fruit, or vegetable which is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors. This does not include sewage or sewage sludge or human excrement.

Hazardous Waste - waste designated as “hazardous” by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

Health Department - the Allegheny County Health Department, Pennsylvania.

Institutional - any establishment engaged in service, including educational, health care, correctional, and like facilities.

Institutional Solid Waste - all solid waste generated by institutional establishments.

Licensed Hauler – a person who has obtained a license from the Commonwealth of Pennsylvania and/or from Allegheny County or its designee. Said licenses will be issued under the Waste Transportation Safety Act (Pennsylvania Act 90), 27 Pa. C.S.A. § 6201 et seq., and the Municipal Waste Planning, Recycling, and Waste Reduction Act (Pennsylvania Act 101), 53 P.S. § 4000.101 et seq., authorizing said person to collect, transport, and/or dispose of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial, and institutional establishments.

Multi-Family Rental Housing Properties - any properties having four (4) or more dwelling units per structure that are not primarily composed of individually owned units. Examples of such are rental apartments and townhouses.

Municipal Waste - garbage, refuse, rubbish, 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 the Solid Waste Management Act 97 of 1980, P.L. 380, as amended from a municipal, commercial,

or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.

Person(s) - 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 provisions of this Ordinance 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 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.

Refuse - discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish or a combination thereof.

Residences - any occupied single-family dwellings, or multi-family dwellings that are primarily composed of individually owned units, for which the Township provides municipal waste collection service.

Residential Solid Waste - all garbage and rubbish generated by residences or multi-family housing properties.

Residual Waste - 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”, Act 52 of 1968, P.L. 1040 No. 318, P.S. § 30.51 et seq. Residual waste shall not include treatment sludge 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”, Act 394 of 1937, P.L. 1987, 35 P.S. §§ 691.1 et. seq.

Rubbish - all non-putrescible municipal waste and bulky waste.

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

Sewage Treatment Residues - any coarse screening, grit, and dewatered or air dried sludges from sewage treatment plants and pumping from septic tanks or septicage which are a municipal solid waste and require proper disposal under Act 97, as amended.

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

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 three calendar months constitutes disposal.

Street - any public or private road capable of accommodating the passage of solid waste collection vehicles.

Township - the Township of O'Hara, Allegheny County, Pennsylvania.

Township Manager - the duly appointed Manager of the Township of O'Hara.

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.

**SECTION IV: PROHIBITED ACTIVITIES**

- A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97, as amended, and the Allegheny County Health Department Rules and Regulations, Article VIII, Solid Waste and Recycling Management.
- B. It shall be unlawful for any person to burn any solid waste within the Township.
- C. It shall be unlawful for any person to dispose of any solid waste in the Township except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97, as amended, and the Allegheny County Health Department Rules and Regulations, Article VIII, Solid Waste and Recycling Management
- D. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Township without first securing a required license or permit from the Commonwealth of Pennsylvania and/or from Allegheny County or its designee.
- E. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Township.

- F. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Township except at an approved and permitted resource recovery facility under Act 97, as amended, and any Department rules and regulations adopted pursuant to Act 97, as amended.
  
- G. 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 Township except as provided in this Ordinance.

**SECTION V: REGULATIONS FOR STORAGE OF SOLID WASTE**

**A. General Regulations**

- 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 collection containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.
  
- 3. All municipal waste shall be drained free of liquids before being placed in collection containers.
  
- 4. All garbage or other putrescible waste shall be securely wrapped in plastic, or similar material or placed in properly tied plastic bags.
  
- 5. Collection containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
  
- 6. Collection containers shall be used and maintained so as to prevent public nuisances.
  
- 7. Collection containers that do not conform to the standards of this Ordinance 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 of such defective container(s) upon notice from the Township or its designated representative.

8. Reusable collection containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal, or fiberglass reinforced material, in such a manner as to be leak-proof, weather-proof, insect-proof, and rodent-proof.
9. Reusable collection 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.
10. Collection containers shall always be properly stored on the owner's property at all times. Containers may not be stored in the front of a property.
11. Collection containers shall be placed by all persons at a collection point acceptable to the Townships Manager.
12. Bulky waste items such as furniture and appliances shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards, and fire hazards. Doors must be removed from all major appliances before they can be picked up.
13. Household refrigerators, freezers, window air-conditioning units, dehumidifiers and any other items containing refrigerant must have the refrigerant removed and the item stamped or tagged indicating refrigerant has been removed prior to collection.
14. All collection containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.
15. All municipal waste shall be stored in a manner approved by the Township Manager.
16. When specified by the Township Manager, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

**B. Specific Regulations for Residences**

1. Only reusable collection containers are permitted to be used by residences for the storage of garbage.
2. Collection containers used for garbage shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

3. Collection containers used for garbage at single-family dwellings shall have a capacity of no more than forty (40) gallons each and a loaded weight of not more than fifty (50) pounds per container. A limit of only two (2) such containers per residence is permitted for back yard collection by the Township's collector. The use of such collection containers at multi-family dwellings shall be subject to the approval of the Township Manager.
4. Trash may not be stored in plastic bags outside. Trash may be placed at the curb in plastic bags as defined in this ordinance.
5. The type, size, and placement of bulk waste containers used by multi-family dwellings shall be subject to the approval of the Township Manager.

C. Specific Regulations for Multi-Family Rental Housing Properties; Commercial and Institutional Establishments

1. The storage of all municipal waste from all multi-family rental properties, and commercial and institutional establishments is subject to the regulations and standards set forth in this Ordinance.
2. Only reusable collection containers are permitted to be used for the storage of municipal waste.
3. The type, size, and placement requirements for bulk collection containers shall be determined by the waste generator and collector, subject to the approval of the Township Manager.

SECTION VI: REGULATIONS FOR COLLECTION OF SOLID WASTE

A. General Regulations

1. All municipal waste collected within the Township shall ultimately be disposed of only at a landfill cited in the Allegheny County Solid Waste Plan – 1994 or on subsequent revisions thereto.
2. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, as amended, and any Department regulations adopted pursuant to Act 97, as amended, and must be licensed by the Allegheny County Health Department.

3. All collection vehicles conveying municipal waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors, and other nuisances.
4. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards, and nuisances.
5. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.
6. All solid waste collection shall be conducted Monday through Saturday between the hours of 6:00 A.M. and 6:00 P.M., unless prior approval or any exception has been granted by the Township Manager. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.

**B. Specific Regulations for Residences**

1. The Township shall provide for the collection of all residential solid waste, and bulky wastes from residences through the use of its own employees, or it may contract with a private collector or collectors to provide this service.
2. All residences shall utilize the collection service provided by the Township.
3. All residential solid waste shall be collected at least once per week.
4. Collection containers containing garbage at single-family dwellings shall be placed in an accessible location if deemed eligible for back yard collection not in excess of 100 feet from a street.
5. Collection containers located in a residence or garage are not eligible for back yard collection services.
6. All rubbish and bulky wastes generated by single-family dwellings shall be placed by the street for curb collection. Placement of these materials by the street for curb collection may be made no earlier than twenty-four (24) hours before the day of collection. All reusable containers used for curb collection must be returned to the storage place no later than 10:00 P.M. on the day of collection.
7. For multi-family dwellings, the placement of collection containers containing garbage, and the placement of rubbish and bulky wastes for collection, shall be subject to the approval of the Township Manager.

C. Specific Regulations for Multi-Family Rental Housing Properties; Commercial and Institutional Establishments

1. All multi-family rental housing properties and all commercial and institutional establishments shall individually contract with any properly licensed collector of their choice for solid waste collection services.
2. All garbage shall be collected at least once per week.
3. Rubbish collection shall be made as often as necessary to control health hazards, odors, pests, and unsightly conditions. The Township reserves the right to require more frequent collection when deemed necessary.

SECTION VII: COLLECTION AND DISPOSAL COSTS

- A. All multi-family rental housing properties and commercial and institutional establishments shall be responsible for paying the costs of their own solid waste collection and disposal services.
- B. Council may at any time establish fees for the collection of residential solid waste from residences to be paid to the Townships by persons requiring such service.
- C. The Township's collector and any other licensed collectors shall be responsible for the collection of any fees for private arrangement or private contract solid waste collection and disposal services provided to any individual, residential, commercial, or institutional source located within the Township.

SECTION VIII: ADMINISTRATIVE APPEALS

All appeals from the provisions contained in this Ordinance shall be made to the Township Manager in writing.

SECTION IX: INJUNCTION POWERS

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

SECTION X: PENALTIES

Any person who violates any provision of this ordinance shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or in default of payment of such fine, then by imprisonment for a

period of not more than thirty (30) days, or both. Each day of violation shall be considered a separate and distinct offense.

SECTION XI: 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 this Ordinance shall not be invalidated by such action.

SECTION XII: CONFLICT

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

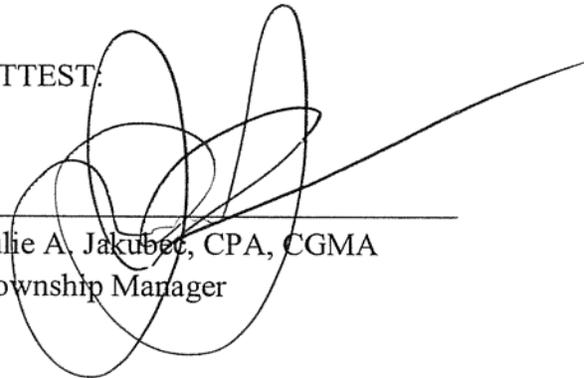
SECTION XIII: EFFECTIVE DATE

This Ordinance shall take effect immediately.

**ORDAINED AN ENACTED** this 11<sup>th</sup> day of June, 2013 by Council vote of 6 to 0.

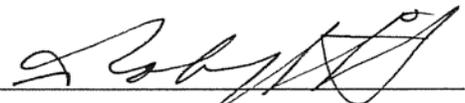
ATTEST:

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager



TOWNSHIP OF O'HARA

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Robert John Smith  
President of Council



First Reading:	<u>Templin - Frankowski</u>	<u>6 - 0</u>	<u>05/14/2013</u>
Second Reading and Adoption:	<u>Frankowski - Rothert</u>	<u>6 - 0</u>	<u>06/11/2013</u>
Advertised:	<u>06/20/2013</u>	Codified:	_____