

## **Chapter 20**

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**Part 1****Solid Waste Ordinance****§20-101. Short Title.**

This Part shall be known and referred to as the “Solid Waste Ordinance.”  
(*Ord. 1088, 3/3/1992, §1*)

**§20-102. Definitions.**

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

*Act or Act 97*—the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

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

*Bulky waste*—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*—any establishment engaged in non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping center and theaters.

*Construction waste*—all municipal and residual waste, building materials, grubbing waste, and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

*Department*—the Pennsylvania Department of Environmental Protection. [*Ord. 2384*]

*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 to the waters of the Commonwealth of Pennsylvania.

*Domestic waste or household waste*—solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

*Garbage*—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*—any person, firm, co-partnership, association or corporation who has been licensed by the Borough or its designated representative

to collect, transport, and dispose of refuse for a fee as herein prescribed.

*Hazardous waste*—any solid waste or combination of solid wastes, as defined in the Act, 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*—any establishment engaged in service including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

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

*Municipal waste*—garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid 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*—the Borough of Carnegie, Allegheny County, Pennsylvania.

*Person*—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 right and duties. In any provisions of this Part 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 of 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*—all solid waste materials which are discarded as useless.

*Residual waste*—any garbage, refuse, other discarded material or other waste including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply 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 Act. Residual waste 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 Clean Stream Law.

*Rubbish*—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.

*Scavenging*—the unauthorized and uncontrolled removal of material placed for

collection or from a solid waste processing or disposal facility.

*Sewage treatment residues*—any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

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

*Source separated recyclable materials*—those materials separated at the point of origin for the purpose of being recycled.

*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 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

*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.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 1088, 3/3/1992, §3; as amended by Ord. 2384, 12/10/2012*)

### **§20-103. Prohibited Activities.**

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Part, any Department rules and regulations adopted pursuant to Act 97 and the Health Department rules and regulations, Article VIII.

2. It shall be unlawful for any person to burn any solid waste within the Borough except in accordance with the provisions of this Part, and Department rules and regulations adopted pursuant to Act 97 and the Health Department rules and regulations, Article VIII.

3. It shall be unlawful for any person to dispose of any solid waste in the Borough except in accordance with the provisions of this Part, any Department rules and regulations adopted pursuant to Act 97 and the Health Department rules and regulations, Article VIII.

4. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Borough without first securing a license to do so in accordance with the provisions of this Part.

5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Borough without prior approval by the Borough.

6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Borough except at an approved and permitted resource recovery facility under Act 97 and any Department rules and regulations adopted pursuant to Act 97.

7. 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 Borough except as provided in this Part.

(*Ord. 1088, 3/3/1992, §3*)

**§20-104. 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 nuisance.

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 material therein.

3. Any person storing municipal waste for collection shall comply with the following preparation standards:

A. All municipal waste shall be drained of free liquids before being placed in storage containers.

B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

C. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.

D. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than 4 feet in length, not more than 2 feet in diameter and not more than 40 pounds in weight.

E. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than 40 pounds in weight.

F. When specified by the Borough or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

4. All municipal waste shall be stored in containers approved by the Borough or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:

A. Reusable containers shall be constructed of durable, water-tight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner to be leak-proof, weather-proof, insect-proof, and rodent-proof.

B. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

C. Reusable containers for individual residences shall have a capacity of not less than 10 gallons nor more than 40 gallons, and a loaded weight of not more than 40 pounds.

D. Disposable plastic bags or sacks are acceptable containers provided the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied

at the top for collection, and shall have a capacity of not more than 30 gallons and a loaded weight of not more than 35 pounds.

E. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

F. *Property owners, occupants of Premises to provide Garbage Cans; Specifications, Use and Placement Thereof.* It shall be the duty of the property owner, occupant or occupants of every dwelling house, or other building, in the Borough of Carnegie, to provide a suitable and water-tight can, provided with a lid (air-tight as near as may be), of at least one bushel, and not exceeding two bushels capacity, in which said property owner, occupant or occupants shall cause to be placed or deposited all garbage and refuse, animal and vegetable matter of the premises. Such can shall be kept at a place on the premises accessible to the person collecting the garbage and refuse matter; provided if no room can be found on the premises, that a permit be issued by the Borough Secretary to place such a can in the alley. [Ord. 2292]

5. Any person storing municipal waste for collection shall comply with the following storage standards:

A. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

B. Reusable 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 on the bottoms or sides of the containers.

C. Containers shall be used and maintained so as to prevent public nuisances.

D. Containers that do not conform to the standards of this Part 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 upon notice from the Borough or its designated representative.

E. Containers shall be placed by the owner or customer at a collection point specified by the Borough or its designated representative.

F. With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all times.

G. Bulk waste items such as furniture, automobile parts, machinery, appliances, and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.

6. The storage of all municipal waste from multi-family residential units, commercial establishment, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Part. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Borough.

(Ord. 1088, 3/3/1992, §4; as amended by Ord. 2292, 6/9/2008, §1)

#### **§20-105. Standards and Regulations for Collection.**

1. The Borough shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multi-family residential (of one to four units) sources, or it may contract with a private collector or collectors to provide this essential residential collection service.

2. All households and homeowners shall utilize the residential collection service provided by the Borough.

3. All commercial, institutional, industrial establishments and multi-family residential of more than four units, shall negotiate and individually contract collection service with the collector or any other properly licensed waste hauler of their choice.

4. All residential garbage and rubbish shall be collected at least once a week. Bulky waste shall be collected following prior arrangement with the Borough's collector and payment of any required special fees.

5. All commercial, institutional, public and industrial lunchroom, office waste, and multi-family residential of more than four units, containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The Borough reserves the right to require more frequent collection when deemed necessary.

6. Residential collection schedules shall be published regularly by the Borough or its contracted hauler.

7. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 5 a.m. and 10 p.m., unless prior approval or any exception has been granted by the Borough.

8. All licensed haulers and haulers under contract with the Borough shall comply with the following standards and regulations:

A. All municipal waste collected within the Borough shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan, 1990, or on subsequent revisions thereto.

B. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97 and must be licensed by the Allegheny County Health Department.

C. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

D. Collection vehicles for rubbish and other non-putrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

9. No trash, garbage, rubbish, recyclable materials or other refuse of any kind or nature may be placed in the front yard or at the curb line of any property, except on the day designated for the pick-up of trash, garbage, rubbish, recyclable materials or other



refuse for such property, or for the period commencing at 6 p.m. on the day preceding the day designated for the pickup of trash, garbage, rubbish, recyclable materials or other refuse from such property.

10. The resident, occupant or person in charge of the property from which trash, garbage, rubbish, recyclable materials or other refuse has been picked up shall remove or cause to be removed from the curb line, and/or the front yard, and shall cause to be placed out of view from the street the emptied trash, garbage, rubbish, recyclable materials or other refuse container(s); said removal shall be accomplished not later than 12 midnight on the day of pickup.

(*Ord. 1088, 3/3/1992, §5; as amended by Ord. 2128, 4/13/1999, §1*)

#### **§20-106. Collection and Disposal Charges.**

1. The Borough Council shall be authorized to make funds available, in accordance with the laws and procedures of the Borough, for the establishment, maintenance, and operation of a municipal solid waste collection and disposal system; or for the contracting of such service to a private collector.

2. Fee schedules shall be published by the Borough or any competitively bid residential collection service contract that may be awarded by the Borough.

3. The Borough's contracted hauler and other licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal from residential customers, and for the collection of any collection and disposal fees from commercial, institutional, or industrial sources within the Borough.

(*Ord. 1088, 3/3/1992, §6*)

#### **§20-107. Administrative Appeals.**

1. All appeals shall be made in writing to the Borough Council of the Borough.

2. Pending a reversal or modification, all decisions of the Borough shall remain effective and enforceable.

3. Appeals may be made by the following persons: Any person who is aggrieved by a new standard or regulation issued by the Borough may appeal within 10 days after the Borough gives notice of its intention to issue the new standard or regulation.

4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the Borough shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(*Ord. 1088, 3/3/1992, §7*)

#### **§20-108. Injunction Powers.**

The Borough may petition the Court of Common Pleas of Allegheny County for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part.

(*Ord. 1088, 3/3/1992, §8*)

**§20-109. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1088*, 3/3/1992, §9; as amended by *Ord. 2018*, 8/9/1993, §1; and by *Ord. 2384*, 12/10/2012)

**Part 2****Collection of Solid Waste****§20-201. Definitions and Interpretation.**

The following words, as used in this Part, shall have the meanings hereby ascribed to them, unless the context clearly indicates a different meaning:

*Garbage*—every refuse, accumulation of animal, fish, fowl, food, fruit or vegetable matter that attends to preparation, use, cooking, dealing in or storage of meat, fish, fowl, food, fruit or vegetable or any other organic substance or substances subject to fermentation or decay, including condemned food, tin cans, bottles, broken glass or crockery and cooking utensils.

*Rubbish*—all rags, paper, grass cuttings, household refuse, straw excelsior and such other refuse as may through ordinary household pursuits and which may be destroyed by burning, including incinerator ashes and refuse from burners. Parts of trees, not more than 4 feet in length and 2 inches are included in the term “rubbish” as are Christmas trees in December, January and February.

*Refuse*—all discarded articles or materials, including rubbish and incombustible waste, except sewage and liquid waste.

*Person*—any natural person, partnership, association, firm or corporation.

In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 742, 12/20/1960, §1; as amended by Ord. 987, 11/30/1982, §1*)

**§20-202. Authorized Means of Collection of Garbage and Refuse; Permits.**

The Borough of Carnegie, from time to time, may provide for the collection and removal of garbage, rubbish and refuse, or any one or more classes thereof, from dwelling structures and dwelling units within the Borough, either by the Borough through its own employees, by a collection contract through a contractor, or by a contractor under exclusive contract or franchise. If the Borough desires to exercise its right to issue a contract or an exclusive contract or franchise, the proper officials of the Council of the Borough are hereby authorized, empowered and directed to execute any appropriate agreement with the lowest responsible bidder determined after competitive bidding. Provided; garbage, rubbish and/or refuse, as the case may be, may be collected and removed from commercial establishments by any person licensed by the Borough to do so, under such arrangements, financial and otherwise, as may be made by such collector and the proprietor of every such commercial establishment served by him. Such license shall be issued by the Borough Secretary, on a calendar year basis, the fee to be:

A. It shall be a violation of this Part for any refuse hauler to commence collection of solid waste before 6 a.m. and to complete the collection of solid waste no later than 8 p.m. Violation of the provisions of this subsection shall be subject to the penalty provisions as stated in §20-303. [*Ord. 2083*]

B. One hundred dollars to be paid by any owner or operator of a commercial

establishment for any year or remaining portion thereof for the placement of any garbage receptacles on Carnegie Borough property.

C. Every refuse hauler must make application for a commercial hauling license and must pay, an amount as established, from time to time, by resolution of Borough Council, license fee to the Borough. All applications shall contain the following information: [*Ord. 2384*]

(1) Name of hauler, if incorporated, state of incorporation.

(2) Name of insurance carrier.

(3) Primary place of business, including address and phone number.

(4) Name and phone number of person in charge.

(5) Complete list including names and addresses of all commercial establishments to be serviced, all changes to the aforementioned list must be reported to the Borough on a quarterly basis.

(6) All commercial garbage receptacles must clearly indicate the name, address and phone number of the commercial garbage hauler.

(*Ord. 742, 12/20/1960, §3; as amended by Ord. 987, 11/30/1982, §1; by Ord. 2010, 2/8/1993, §1; by Ord. 2017, 8/9/1993, §1; by Ord. 2041, 6/2/1995, §1; by Ord. 2044, 8/14/1995, §1; by Ord. 2083, 2/11/1997, §1; and by Ord. 2384, 12/10/2012*)

**§20-203. Unauthorized Persons Not to Collect or Remove Garbage or Refuse.**

No person, other than the Borough's own employees or a person operating under a valid and current contract, franchise or permit issued by the Borough as herein provided, shall collect or remove any garbage, rubbish and/or refuse from any premises in the Borough of Carnegie.

(*Ord. 742, 12/20/1960, §3; as amended by Ord. 987, 11/30/1982, §1*)

**§20-204. Exclusive Contract.**

If the Borough desires to issue an exclusive contract, franchise or privilege, all persons, including owners, residents and lessees, occupying dwelling structures and dwelling units as defined, within the Borough of Carnegie, be and are hereby required to utilize and subscribe to the aforesaid exclusive contract, franchise or privilege for collection and disposal service and to pay for the same in accordance with the rates and charges as are set forth in any agreement executed by the Borough of Carnegie.

(*Ord. 742, 12/20/1960, §4; as amended by Ord. 973, 4/14/1981; and by Ord. 987, 11/30/1982, §1*)

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**Part 3****Placement of Garbage Cans, Dumpsters, Etc., on Public Streets****§20-301. Garbage Receptacles Prohibited on Streets.**

1. It is prohibited for any person, partnership, association, corporation, or other entity, to place or park, or direct the placing or parking of one or more garbage cans, dumpster dumpsters, or other objects which are not motor vehicles on any public street, alley, or way in the Borough of Carnegie at any time.

2. Subsequent to the payment of the license fee for the removal of garbage, rubbish and/or refuse from commercial establishments within the Borough of Carnegie, written permission for the placement of garbage receptacles in the streets or on other property of the Borough must be obtained prior to the placement thereof from the designated Borough official, who has full discretion in granting or rejecting any application for the placement of said receptacles. [Ord. 2017]

(Ord. 913, 11/12/1975, §1; as amended by Ord. 2010, 2/8/1993, §1; and by Ord. 2017, 8/9/1993, §2)

**§20-302. Ownership or Rental Prohibited.**

It is prohibited for any person, partnership, association, corporation, or other entity, to own or rent one or more garbage cans, dumpsters, or other objects which are not motor vehicles on any public street, alley, or way in the Borough of Carnegie at any time, which have been placed or parked there.

(Ord. 913, 11/12/1975, §2)

**§20-303. Penalties.**

1. Any person, firm, corporation or other entity who shall violate the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384]

2. In addition to the fines and penalties herein set forth, the Council of the Borough of Carnegie, or with the approval of the Council of the Borough, an officer of the Borough may institute in the name of the Borough, any appropriate action or proceeding to prevent and restrain any act, conduct, business or other thing constituting a continued violation of any of the provisions of this Part excepting and excluding the collection of rates and charges for garbage and rubbish removal services under an exclusive contract, franchise or privilege.

(Ord. 913, 11/12/1975, §3; as amended by Ord. 973, 4/14/1981; and by Ord. 987, 11/30/1982, §1; and by Ord. 1047, -/-/1988; and by Ord. 2384, 12/10/2012)



**Part 4****Hazardous Materials****§20-401. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Part:

*Abatement*—the clean up of any hazardous materials deposited upon or into properties and the mitigation of any emergency situation thus created, including but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities, removal, and recovery from such persons responsible.

*Costs*—incurred by the Borough shall include, but are not limited to, actual labor costs of Borough personnel, including workmen's compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special fire extinguishing agents used, cost of any contracted labor and materials; costs incurred by volunteer and paid fire companies or services, emergency medical services or companies, the Carnegie Police Department, the office of Emergency Management, and any other agency or contractor engaged in abating the effects of hazardous material disposal.

*Disposal*—the intentional, accidental, or negligent incineration, depositing, injection, dumping, spilling, leaking, storing, or placing of hazardous materials into or upon the properties of the Borough of Carnegie.

*Hazardous materials*—

(1) Any material or substance which may have a direct or identifiable effect on persons or property within the municipal boundaries of the Borough of Carnegie.

(2) Any substance or materials in a quantity or form which in the determination of the Emergency Management Coordinator or Mayor poses an unreasonable or imminent risk to the life, health or safety of persons or property or the ecological balance of the environment.

(3) Shall include, but shall not be limited to, substances such as explosives, radioactive materials, petroleum products or gases, poisonous bases or liquids, ecologic (biologic) agents, flammables, solids or liquids, corrosive liquids, oxidizers, organic peroxides, or materials in the hazardous substance list of the Pennsylvania Department of Labor and Industry, as amended, any Federal list of hazardous materials, as amended, and any other which by virtue of this make up or quantity are determined to be hazardous by the Emergency Management Coordinator and/or Mayor.

*Persons*—any individual, firm, corporation, partnership, association, or other organization or municipality.

*Properties*—shall include, but are not limited to, underground storage tanks, containers, or facilities, water courses, streets, roads, and alleys, sanitary and storm sewers, and any other properties within the municipal boundaries of the

Borough of Carnegie.

(*Ord. 1041, 7/11/1988, §1*)

**§20-402. Prohibition.**

The accidental, intentional, or negligent disposal of hazardous materials upon or into properties within the Borough of Carnegie is hereby prohibited.

(*Ord. 1041, 7/11/1988, §2*)

**§20-403. Abatement.**

The Borough, its employees, services, and other persons are hereby authorized to abate any emergency situation resulting from the deposit of hazardous materials upon or into Borough properties.

(*Ord. 1041, 7/11/1988, §3*)

**§20-404. Penalties.**

1. Any person violating this Part shall be liable for all costs incurred in the abatement of the emergency situation resulting from the disposal of hazardous materials. The remedy provided by this Part shall be in addition to all other remedies provided by other laws or ordinances of the Commonwealth of Pennsylvania and the Borough of Carnegie.

2. Any persons who shall violate or fail to comply with any of the provisions of this Part, rules or regulations adopted hereunto or any term or condition of any permit shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2384*]

(*Ord. 1041, 7/11/1988, §4; as amended by Ord. 1047, -/-/1988; and by Ord. 2384, 12/10/2012*)

**§20-405. Remedies.**

In the event any person disposes of hazardous waste or permits disposal of hazardous waste on land under his or her control in violation of this Part, Borough Council, at its option, may singly or severally proceed as follows:

1. Commence a summary proceeding to collect the penalties as provided under §20-404 for violation of this Part.

2. Order the termination of the unlawful disposal and the removal or abatement of such unlawful disposal, by causing written notice to be sent to such person, to the owner and any occupant of premises on which unlawful disposal has taken place, or if the owner or occupant be unknown, by posting the notice conspicuously upon such premises. Such notice shall be deemed sufficient if sent by regular mail to the last known address of such person, owner, or occupant. The notice shall require the person to whom it is addressed to remove any hazardous waste from the Borough and take



such other corrective action as may be specified, within such time as specified in such notice.

3. If any such person fails to proceed to complete the corrective action within the time specified in such notice, Council may cause such unlawfully disposed of hazardous waste to be removed from the Borough and may cause such other corrective action to be taken as shall appear necessary to Council. Council or its designated agents, shall, in such event, where necessary, have the right and power to enter into the offending premises to accomplish the foregoing.

4. In the event Council shall have expended moneys to remove such waste or take other corrective action as may be deemed necessary, Council may recover the cost of taking such action in addition to the costs of proceedings, including reasonable attorney's fees, from the person disposing of the waste or the owner or occupant of the land on which disposal occurs, jointly and severally, by municipal claim proceedings as authorized by the laws of the Commonwealth of Pennsylvania, or by such other remedy as may be provided by law, at the election of Council.

5. In addition, Council may, where deemed appropriate, institute proceedings in the courts of this Commonwealth or elsewhere to compel the removal of such hazardous waste and to compel the taking of such corrective action as may be deemed necessary and to seek such other relief as the courts are empowered to afford.

*(Ord. 1041, 7/11/1988, §5)*



**Part 5****Recycling****A. Recycling Program****§20-501. Definitions.**

*Aluminum*—all aluminum beverage or food cans which have been emptied.

*Apartments*—any occupied multi-family structure having five or more dwelling units per structure for which the Borough does not provide municipal waste removal services.

*Bi-metal containers*—empty food or beverage containers consisting of steel and aluminum.

*Bulk rubbish*—all items which are too large to bag, can or bundle, including furniture, large appliances, furnaces, automobile tires, and automobile parts.

*Commercial properties*—those properties used primarily for commercial or industrial purposes.

*Community activities*—events that are sponsored by public or private agencies or individuals that include, but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

*Corrugated paper*—structural paper material with an inner-core shaped in rigid parallel furrows and ridges.

*Garbage*—every refuse, accumulation of animal, fish, fowl, food, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, food, fruit or vegetable or any other organic substance or substances subject to fermentation or decay, including condemned food, tin cans, bottles, broken glass or crockery and cooking utensils.

*Glass containers*—bottles and jars made of clear green or brown glass. Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

*High grade office paper*—all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

*Institutional establishments*—those facilities that house or serve groups of people including, but not limited to hospitals, nursing homes, orphanages, day care centers, schools and universities.

*Lead acid batteries*—includes but is not limited to automotive, truck and industrial batteries that contain lead.

*Leaf waste*—leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

*Municipal establishments*—facilities owned and/or operated by a municipality as defined herein.

*Municipal recycling program*—a source separation and collection program for recycling municipal waste or source separated recyclable materials, or a program for designated drop off points or collection centers for recycling municipal waste or source separated recyclable materials, that is operated by or on behalf of a municipality. The

term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

*Municipal waste*—any garbage, refuse, rubbish, bulk rubbish, industrial lunch room or office waste or other material, including solid, liquid, semi-solid 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, 35 P.S. §6018.101 *et seq.* from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials or lead acid batteries or any other items excluded from collection by the contractor under its contract with the Borough.

*Municipal waste landfill*—any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department of Environmental Protection of the Commonwealth (DEP), under the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.* The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants. [Ord. 2384]

*Municipality*—any county, city, borough, incorporated town, township, or home rule municipality.

*Newspaper*—includes paper the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and inserts printed in color included with newspapers.

*Person*—any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency (including, but not limited to, the Department of General Services and the State Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Act 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.

*Recyclable materials*—materials generated by residences and commercial, municipal, and institutional establishments which are specified by the Borough and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not limited to, clear glass, colored glass, aluminum, steel and bi-metal cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Borough or specified in future revisions to Act 101. The recyclable materials selected by the Borough may be revised from time to time as deemed necessary by the Borough.

*Recycling*—the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials.

*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 or raw materials. The term “recycling facility” shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

*Refuse*—all discarded articles or materials, including rubbish and incombustible waste, except sewage and liquid waste. Paint cans are included under refuse but must be empty for disposal.

*Residences*—any occupied single or multi-family structure having up to four dwelling units per structure for which the Borough provides municipal waste collection service.

*Resource recovery facility*—a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, 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. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.

*Rubbish*—all rags, paper, grass cuttings, household refuse, straw, excelsior and such other refuse as may result through ordinary household pursuits and which may be destroyed by burning, including incinerator ashes and refuse from burners. Parts of trees, not more than 4 feet in length and 6 inches in diameter, are included in the term “rubbish” as are Christmas trees in December, January and February.

*Solid waste*—solid waste as defined in the Act of July 7, 1980 (P.L. 380, No 97) known as the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

*Solid Waste Management Act*—the Act of July 7, 1980 (P.L. 380, No. 97), 35 P.S. §6018.101 *et seq.*

*Source separated recyclables materials*—materials that are separated from municipal waste at the point of origin for the purpose of recycling.

(*Ord. 1065, 7/10/1990, §1; as amended by Ord. 2384, 12/10/2012*)

### **§20-502. Municipal Recycling Program.**

There is hereby established a Municipal Recycling Program for the mandatory separation of recyclable materials and leaf waste from municipal waste in the Borough of Carnegie. Specific program regulations are provided in §20-514 of this Part. The Borough of Carnegie is empowered to make changes to program regulations as necessary as described in §20-512 hereof, provided that the collection of recyclable materials shall be made at least once per month by the Borough, its designated agent, or any other authorized waste collectors operating in the Borough. The recycling program shall also contain a sustained public information and education program.

(*Ord. 1065, 7/10/1990, §2*)

### **§20-503. Prohibition of Lead Acid Batteries.**

Disposal by persons of lead acid batteries with municipal waste and/or recyclable materials is hereby prohibited.

(*Ord. 1065, 7/10/1990, §3*)

**§20-504. Materials Designated for Recycling.**

1. *Residential Dwelling (Residences and Apartments)*. In addition to separating leaf waste from municipal waste, all persons shall be required to separate from municipal waste generated at their homes, apartments and other residential establishments, at least three materials to be designated by the Borough from the following materials:

- A. Clear glass.
- B. Colored glass.
- C. Aluminum.
- D. Steel and bi-metallic cans.
- E. Newsprint.
- F. Corrugated paper.
- G. High grade office paper.

2. *Commercial, Municipal, Institutional Establishments, and Community Activities*. At a minimum, all commercial, municipal and institutional establishments and community activities shall be required to separate for recycling, materials including high grade office paper, aluminum, corrugated paper and leaf waste. Based upon the volume generated, the Borough may require additional materials to be separated for recycling from the following materials:

- A. Clear glass.
- B. Colored glass.
- C. Steel and bi-metal cans.
- D. Newsprint.

(Ord. 1065, 7/10/1990, §4)

**§20-505. Preparation/Storage of Designated Recyclable Materials.**

Persons shall separate, prepare and store for collection the designated materials in the following manner:

- A. Newsprint shall be tied both across and lengthwise in easy-to-manage bundles or placed in paper bags, and kept dry.
- B. Clear glass and colored glass shall be emptied, cleaned and placed in the recyclable material containers to be provided by the Borough.
- C. Aluminum, steel and bi-metallic cans shall be emptied and placed in the recyclable material containers provided by the Borough.
- D. Corrugated paper shall be tied both across and lengthwise in easy to manage bundles or placed in paper bags and kept dry.
- E. All persons shall separate and remove leaf waste from other municipal waste generated at their homes, apartments and other residential establishments and shall compost said leaf waste until the designated bi-annual pick-up dates for leaf waste.
- F. All high grade office paper, aluminum, corrugated paper and leaf waste and other material which may be designated by the Borough for recycling, which

is generated at commercial, municipal, institutional establishments and from community activities shall be separated and stored until it can be collected by the Borough, unless other provisions are made for its collection pursuant to §§20-509 and/or 20-510 hereof.

(*Ord. 1065, 7/10/1990, §5*)

**§20-506. Ownership of Recyclables.**

Nothing in this Part shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curb side or a similar designated location for collection by the Borough or its agents and/or contractor.

(*Ord. 1065, 7/10/1990, §6*)

**§20-507. Ownership of Containers for Recyclable Materials.**

Any containers provided to residents for collection of recyclable materials shall be the property of the Borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough shall be responsible for returning the allocated containers to the Borough or shall pay the replacement cost of said containers. Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such containers shall be a violation of this Part.

(*Ord. 1065, 7/10/1990, §7*)

**§20-508. Collection of Designated Recyclable Materials by the Borough.**

The Borough shall pick up or provide for the pick-up of all recyclable materials from the curb side or similar location of all dwellings of one or four units and other participating establishments one time per week on the designated day that the municipal waste is picked up by the Borough or its agents and/or contractor. Said recyclable material shall be placed in designated containers to be provided by the Borough and shall be picked up by trucks and other related equipment at the curb side or similar location. The recyclable material shall be transported to the recovery facility where the recyclable materials will be separated for sale to a secondary market or reused by a manufacturer as a substitute for or a supplement to virgin or raw materials. The Borough or its agents and/or contractors shall provide written documentation of the total number of tons of recyclable materials collected and disposed of each year pursuant to the provisions of the aforementioned Act 101 of July, 1988.

(*Ord. 1065, 7/10/1990, §8*)

**§20-509. Collection and Documentation for Multi-family Residential Dwellings of Five or More Units (Apartments).**

Any person, owner, landlord or agent of an owner or landlord of multi-family rental housing properties with five or more units must comply with the requirements of this Part by establishing an independent collection system for recyclable materials at each multi-family rental housing property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and

availability of the individual collection system. Persons, owners, landlords and agents of owners or landlords who comply with the provisions of this Section shall not be liable for the noncompliance of occupants of the multi-family rental housing properties. Any owners, landlords and/or their agents or multi-family dwellings of five or more units must provide annually to the Borough of Carnegie written documentation of the total number of tons of material that have been recycled. This written documentation shall be in the form of receipt slips which shall show the volume of material recycled per receipt. This written documentation must also show the total number of tons of recyclable material collected and disposed of per year.

(*Ord. 1065, 7/10/1990, §9*)

**§20-510. Collection and Distribution Commercial, Institutional or Municipal Establishments.**

Any person, occupying a commercial, institutional or municipal establishment within the municipal boundaries of the Borough of Carnegie must provide for their own separation and collection of recyclable materials, and must provide annually to the Borough of Carnegie written documentation of the total number of tons of material that have been recycled. This written documentation shall be in the form of receipt slips which shall show the volume of material recycled per receipt. This written documentation must also show the total number of tons of recyclable material collected and disposed of per year.

(*Ord. 1065, 7/10/1990, §10*)

**§20-511. Unauthorized Collection of Designated Materials.**

1. It shall be unlawful for any unauthorized person to collect or pickup or cause to be collected or picked up any recyclable material once it has been placed at the curb or other similar designated location.

2. It shall also be unlawful for any person to collect, remove or dispose of solid and/or municipal waste which contains recyclable materials when they are combined with other forms of solid and/or municipal waste.

(*Ord. 1065, 7/10/1990, §11*)

**§20-512. Enforcement and Administration.**

The Borough of Carnegie Borough Council is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Part as deemed necessary, including, but not limited to:

A. Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments and apartments.

B. Establishing procedures for the distribution, monitoring and collection of containers for the recyclables.

C. Establishing procedures and rules for the collection of leaf waste.

D. Establishing collection procedures for the recyclable materials.

E. Establishing reporting procedures for amount of materials recycled.

(*Ord. 1065, 7/10/1990, §12*)



**§20-513. Penalties.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1065, 7/10/1990, §13; as amended by Ord. 2384, 12/10/2012*)

**§20-514. Recycling Program Regulations.**

These regulations will govern the Borough of Carnegie Recycling Program as empowered by §20-502 of this Part.

1. Designated materials to be separated for collection and recycling by dwelling units (residences and apartments).

- A. Leaf waste.
- B. Clear glass.
- C. Colored glass (green and brown only).
- D. Aluminum cans.
- E. Bi-metal cans.

2. Designated materials for recycling to be separated for collection and recycling by commercial, municipal and institutional establishments.

- A. Leaf waste.
- B. Clear glass.
- C. High grade office paper.
- D. Corrugated paper.

3. Procedures for the distribution, monitoring and collection of containers for the recyclables.

A. *Regarding Dwellings of One to Four Units.*

(1) *Distribution.* BFI - Browning Ferris Industries.

(2) *Monitoring.* BFI/Borough of Carnegie.

(3) *Collection.* Weekly collection by BFI.

(4) *Fee for Containers.* The initial containers are provided free of charge. Additional containers will be provided at the rate of the replacement cost to the Borough.

B. *Regarding Commercial, Municipal and Institutional Establishments and Apartments.*

(1) *Distribution.* Distribution of containers for the recyclables must be provided for by commercial, municipal, and institutional establishments and apartments pursuant to the terms of their independent recyclable collection

system.

(2) *Monitoring.* Borough of Carnegie.

4. *Procedures for and Rules for the Collection of Leaf Waste.*

A. *Regarding Dwellings of One or Four Units.*

(1) *Collection.* Leaf waste shall be bagged and placed at the curb for specified pick-up days, generally 2 days in the Fall and 1 day in the Spring.

(2) *Fee for Collection.* Unknown at present.

B. *Regarding Commercial, Municipal and Institutional Establishments and Apartments.*

(1) *Collection.* The procedures for and rules for the collection of leaf waste regarding commercial, municipal and institutional establishments and apartments must be provided for by the independent recyclable collection system established.

(2) *Fee for Collection.* Fees will be established pursuant to the independent collection systems.

5. *Collection Procedures for Recyclable Materials Other than Leaf Waste.*

A. *Regarding Dwellings of One or Four Units.*

(1) *Collection.* The recyclable materials other than leaf waste shall be collected on a weekly basis on the same day as municipal waste collection. Said materials shall be placed in the containers provided and placed curbside on the day designated for collection.

(2) *Fee for Collection.* \$1.95/month per unit.

B. *Regarding Commercial, Municipal and Institutional Establishments and Apartments.*

(1) *Collection.* Collection procedures for recyclable materials other than leaf waste regarding commercial, municipal and institutional establishments and apartments shall be provided for by the independent recyclable collection system.

(2) *Fee for Collection.* The fee for collection of recyclable materials other than leaf waste for commercial, municipal and institutional establishments and apartments shall be provided for by the independent recyclable collection system.

6. *Reporting Procedures for the Amounts of Materials Recycled.*

A. Reports by the Borough to the State are to be made by the administrative staff of the Borough of Carnegie.

B. Commercial, municipal and institutional establishments and apartments reports to the Borough. The reporting procedures for the amounts of materials recycled by commercial, municipal and institutional establishments and apartments shall be set forth and prepared pursuant to the independent system for the collection of recyclable materials and pursuant to §§20-509 and 20-510 of this Part.

7. *Public Education Program.*

A. Regarding dwellings of one or four units, BFI and the Borough of Carnegie

will be responsible for the public education program.

B. Regarding commercial, municipal and institutional establishments and apartments, the Borough of Carnegie will be responsible for the public education program.

8. *Changes to the Recycling Program.* The recycling program regulations will require approval from the Borough Council by resolution. Public notice and notification to all affected parties will be required in advance of any program changes.

(*Ord. 1065, 7/10/1990, Attachment "A"*)

**§20-515. Effective Date.**

This Part shall take effect and be in force on the 26th day of September, 1990.

(*Ord. 1065, 7/10/1990, §16*)



**B. Collection****§20-521. Definitions.**

The definitions contained in §20-501, establishing a resource recovery program for the separation of recyclable materials and leaf waste from municipal waste, are incorporated herein by reference as if fully set forth herein at length.

(*Ord. 1072, 3/12/1991, §1*)

**§20-522. Rights and Privileges.**

The Council of the Borough of Carnegie is hereby empowered, from time to time to award a contract to any contractor for the exclusive right and privilege to collect, remove and dispose of all municipal waste, leaf waste and recyclable materials from all residences of one to four dwelling units located within the Borough.

(*Ord. 1072, 3/12/1991, §2*)

**§20-523. Rules and Regulations.**

For any period during which such a contract is in effect, the following shall apply:

A. No owner and or other resident of residences of one to four dwelling units shall collect, remove or dispose of or permit the collection, removal or disposal of any municipal waste, leaf waste and/or recyclable materials that are generated at or accumulated at any such residences in the Borough other than by having the same collected, removed or disposed of solely by the contractor designated by the Borough.

B. No person except the contractor designated by the Borough shall collect, remove or dispose of municipal waste, leaf waste and/or recyclable materials from any residences of one to four dwelling units within the Borough.

C. All legal and equitable owners or the residents of any real property within the Borough of one to four dwelling units shall timely pay to the contractor designated by the Borough the charge for collection, removal and disposal of municipal waste, leaf and/or waste recyclable materials from any and all such residential dwelling units, as said charge may be fixed from time to time in the contract between the Borough and said contractor, or as otherwise set by the Borough.

D. All residents or owners of residences of one to four dwelling units shall do all acts, matters and things necessary for them to subscribe to the service provided by the designated contractor, including the making of the payments referred to in paragraph .C hereof.

E. It shall be lawful for the Borough in granting the contract to permit the contractor, pursuant to contract:

(1) To bill, directly in advance the legal or equitable owners or the residents of the subject real estate for the services provided.

(2) To allow the contractor to suspend the rendition of said services to any real estate for which there are past due charges for said service.

(3) To permit the contractor to fix the date and time for collection of said

municipal waste, leaf waste and recyclable materials.

(4) To establish the rules, regulations and schedules covering the place, manner and dates in which the municipal waste, leaf waste and recyclable material shall be collected.

F. It shall be lawful for the Borough:

(1) To remit to the contractor all sums that the Borough may collect from persons delinquent in payment for said service.

(2) To collect said delinquencies from any person delinquent therein.

(3) To adopt any other reasonable rule or regulation to implement the terms of this Part.

(*Ord. 1072, 3/12/1991, §3*)

#### **§20-524. Charges.**

Any resident and/or owner required to pay the charge for the aforesaid collection, removal and disposal services who fail to do so shall be subject to collection thereof either at the suit of the contractor, or by the action of the Borough by suit in assumpsit or by filing a municipal claim with additional right in the Borough to also assess any penalties and costs on said amount as allowed by law.

(*Ord. 1072, 3/12/1991, §4*)

#### **§20-525. Reimbursement.**

Nothing herein contained shall be construed to forbid the legal or equitable owner of any subject real estate from requiring any tenant or resident of said real estate from reimbursing to said owner all or part of the sums paid by said owner for the collection, removal and disposal services referred to in this Part.

(*Ord. 1072, 3/12/1991, §5*)

#### **§20-526. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs for first offense and not less than \$100 nor more than \$1,000 plus costs for a subsequent offense and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1072, 3/12/1991, §6; as amended by Ord. 2384, 12/10/2012*)

#### **§20-527. Violations.**

The Borough may at any time hereunder, in addition to prosecuting violators of this Part, upon 24 hours notice to the owners and residents of any real estate in the Borough where accumulations and violation of this Part exists, remove said accumulations by its own forces, at the cost and liability of the owners and/or residents of said property. The actual cost of said removal to then and there be due the Borough, the same to be

the joint and severable obligation of all owners, occupiers, possessors, tenants or users of said property, the same to be at the option of the Borough, collectable by suit of assumpsit or by filing and indexing the same as a municipal claim in the manner allowed by law, with right in the Borough to also assess any penalties and costs on said amount as allowed by law.

*(Ord. 1072, 3/12/1991, §7)*

