

**TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 08-04**

**AN ORDINANCE TO PRESCRIBE A SYSTEM FOR MUNICIPAL
WASTE COLLECTION AND COLLECTION OF RECYCLABLE
MATERIAL AS WELL AS MANAGEMENT OF RECYCLABLE
MATERIAL AT COMMERCIAL , INSTITUTIONAL, AND
MUNICIPAL FACILITIES AS WELL AS COMMUNITY EVENTS**

WHEREAS, West Bradford Township recognizes the benefit to its citizens to provide a system for removal of normal municipal waste from dwelling units within the Township, and;

WHEREAS, a comprehensive municipal solid waste collection system will benefit the public health, safety, and general welfare of the residents of West Bradford Township, and;

WHEREAS, there is an increasing necessity to conserve our natural resources and to limit the materials that are placed in landfills, and;

WHEREAS, conversion of recyclable materials from the waste stream has become an important public concern because of the problems with land filling of solid waste and its impact on our environment, and;

WHEREAS, Pennsylvania Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act authorizes the municipality to adopt regulations for the transportation, storage and collection of municipal solid wastes that are not less stringent than or inconsistent with Pennsylvania Act 101 or Act 97 or regulations promulgated by the Department of Environmental Protection, and;

WHEREAS, Pennsylvania Act 101 of 1988, the Municipal Waste Planning and Recycling and Waste Reduction Act requires the municipality to collect certain recyclable materials from residential units and to create regulations for recycling at commercial, municipal and institutional establishments and from community activities, and;

WHEREAS, the Board of Supervisors of West Bradford Township are committed to providing a comprehensive and environmentally responsible solid waste removal and recycling program and to comply with regulations regarding solid waste removal and recycling established by the Commonwealth of Pennsylvania.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF WEST BRADFORD TOWNSHIP AS FOLLOWS:

Section 1 - Title

The short title of this ordinance shall be, “Municipal Solid Waste and Recycling Ordinance of West Bradford Township”.

Section 2 - Definitions

The following definitions shall apply for use in this ordinance. If a further definition of a term is necessary it shall be as listed in a Webster’s Dictionary or other dictionary of general use.

Approved refuse or trash container or recycling container: A molded plastic heavy-duty wheeled refuse cart approximately ninety gallons (90) in capacity with lid for the purpose of storage of municipal waste or recyclable material at a residential dwelling unit. The recycling container is distinguished from the refuse container by labeling and color. These units are commonly referred to as “toters” and in West Bradford are supplied to each dwelling unit that is part of the municipal waste collection system.

Dwelling unit: Any occupied residential unit, whether a single unit or part of a multi-family structure. For purposes of this ordinance, any owner of multi-family structure(s) containing four or more units is responsible to provide a separate municipal waste and recycling program. Mobile home park owners are responsible to provide a separate municipal waste and recycling program.

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

Municipality: West Bradford Township

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. The term does not include source-separated recyclable materials.

Occupied Dwelling Unit: Any dwelling unit that has received a certificate of occupancy under the Township building code; whether or not currently occupied.

Person(s): Shall mean owners, lessees and occupants of residences, businesses, commercial, and institutional properties.

Public Street: A street owned or maintained by West Bradford Township, the Commonwealth of Pennsylvania and any street in a development that is to be offered for dedication. In those instances where the municipality has agreed to collect recycling materials and municipal waste on a private street, than in that instance only, that street may be considered a public street for the provisions of this Ordinance and in no other circumstances.

Recyclable material: Those materials specified by the municipality to be recycled. That list shall be established and amended from time to time by Resolution and may include items that are placed at curbside, left at drop-off centers, items that may be composted and items that are recycled through other programs such as may occur at an institutional or commercial facility.

Section 3 - Municipal Waste Collection and Disposal - Residential

The municipality shall operate, either through use of municipal forces or through contract with a proper municipal waste hauler, a system for collection and disposal of municipal waste from residential units except from multi-family dwellings and mobile home parks. Owners of multi-family dwellings and mobile home parks are responsible to operate a system for collection and disposal of municipal waste from those facilities.

- A. The municipality shall provide a toter to each residential unit which receives collection service from the municipality. The toter shall be used to store and place municipal waste at curbside on a public street for collection.
 - a. Each residence shall use only one toter for municipal waste collection.
 - b. Additional waste collection service may be available by special services established by the municipality. Additional fees may be required for waste in addition to that placed in the toter. Additional services shall be as established by Resolution of the Board of Supervisors.
 - c. The toter shall be placed at curbside on a public street on the assigned collection day and must be at curbside no later than 6:00 AM. The toter may be placed at curbside beginning at 6:00 PM on the night prior to the scheduled collection day and must be removed from curbside prior to 12:00 midnight on the day of collection.
 - d. The toter placed at curbside on a public street must not contain any recyclable material for disposal as municipal solid waste.
 - e. The toter must be placed with the handle away from and parallel to the center of the street.
 - f. Municipal solid waste must be in the toter and not on top of the toter. Any waste that is not in the toter or placed so as to cause the lid to be in an upright or open position is considered excessive and will not be removed. A lid being open by over twenty inches from the lip of the toter to the lip of the lid is considered to be an upright or open position.
 - g. Property owners are responsible to report damaged toters to the municipality for repair.
 - h. Toters assigned to a residence must remain with that residence until removed or replaced by the municipality.
 - i. Use of more than one toter for municipal solid waste removal unless validated by the municipality is a violation of this ordinance.
 - j. Missing or melted toters are the responsibility of the property owner and must be paid for at the rate established by Resolution of the Board of Supervisors.
 - k. **Each residential unit must participate in the West Bradford Township municipal waste collection system as provided in this Ordinance. Mobile home parks or multi-family housing that is not part of the West**

Bradford Township municipal waste collection system must have a separate municipal waste collection and disposal system.

- B. Additional municipal solid waste may be placed at curbside on a public street for collection on the assigned collection day or on a date specified by the municipality in accordance with the following regulations:
 - a. Municipal solid waste must be placed in a suitable and structurally sound plastic bag not larger than thirty (30) gallons, with a sticker issued by the municipality attached to the bag and clearly visible from the street.
 - b. The bag must not be placed on top of the toter.
 - c. When placing additional bags of municipal solid waste at curbside on a public street for collection, the times for placement of toters at curbside must be adhered to.
 - d. Stickers must be those purchased from the municipality.
- C. Large items may be placed for collection at curbside on a public street only when designated by this Ordinance or a Township Resolution in accordance with the following regulations:
 - a. All items must be properly prepared for disposal including removal of Freon or other hazardous gases. Items left at curbside for collection that have had the Freon removed must have a certification attached to the item. A special pick-up may be arranged with the municipality for removal of items with Freon at additional cost.
 - b. Items such as carpet or other rolled material must be cut into lengths and sized so that it can be lifted by one person.
 - c. Items that are over four feet (4) must be cut into lengths no longer than four feet (4).
 - d. Times for placement at curbside shall be the same as required for placement of the toter at curbside.
 - e. All items must be broken apart, disassembled, or cut apart as much as is practical to facilitate removal by one person.
 - f. The placement of large items for removal is limited to one item per collection day, except that a box spring and mattress in a set is considered for purposes of this regulation to be one item.
 - g. Items must not be heavier than can be lifted by one person.
- D. Construction debris, building materials, automobile parts and tires will not be collected by the municipal solid waste collection system. Construction debris and building materials may not be disposed of on site by burial or burning. Property owners may use the following services for removal of these items:
 - a. Pick-up by a contractor for disposal at an approved facility.
 - b. Use of a dumpster or other container for disposal at an approved facility.
 - c. Donation to an organization that reuses or properly disposes of these types of material.
 - d. Private haul to a municipal landfill or a proper recovery facility for these types of materials.
- E. The Lanchester Landfill is the designated facility for disposal of municipal solid waste generated in West Bradford Township.

Section 4 - Collection and Preservation of Recyclable Materials - Residential

This section shall provide for the separation of recyclable materials from municipal solid waste and provide for the preservation of materials.

- A. Items that are designated to be preserved or collected as recyclable materials shall not be placed for collection in the same containers as municipal solid waste.
- B. Burning of material designated for collection as recyclable materials or any yard waste, leaves or other compostable material is prohibited.
- C. Recyclable materials as designated by this Ordinance or a Township Resolution shall be placed at curbside on a public street for collection in accordance with the following:
 - a. Items shall be placed in a container(s) or toter as provided by the municipality.
 - b. The container or toter shall be placed at curbside on a public street on the assigned day and must be at curbside no later than 6:00 AM. The container or toter may be placed at curbside beginning at 6:00 PM on the night prior to the scheduled collection day and must be removed from curbside prior to 12:00 midnight on the day of collection.
 - c. Items shall be prepared as established by Township Resolution.
 - d. Material shall include newsprint, magazines, aluminum beverage cans, clear glass food and beverage containers, plastics labeled #1 through #7 and other additional material as designated by Township Resolution.
 - e. The recycling container or toter must not contain other solid waste or any material that is not designated for recycling.
 - f. Alternative collection of recyclable materials by donation or sale to individuals or organizations authorized by the municipality may be accomplished by the following regulations:
 - i. The items may be delivered to the individuals' or organizations' sites.
 - ii. They may be placed at curbside for alternative collection on days not indicated as collection days by the municipality.
 - iii. Individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled municipal curbside collection day.
 - g. Collection by unauthorized persons is prohibited.
 - i. From the time of placement of the recyclable materials at the curb or other designated place for collection by the municipality pursuant to the provisions of this Ordinance and any rules and regulations adopted hereafter, the recyclable materials shall become and shall be the property of the municipality.
 - ii. Any person not duly authorized by the municipality to collect or cause to be collected any recyclable materials placed at the curb or other designated place for collection is specifically prohibited from collecting at curbside any such material and prohibited from possessing any material deemed to be the property of the municipality.

- iii. Any and each such unauthorized collection from one and from each additional residence shall constitute a separate and distinct offense.
- h. Each residential unit must participate in the West Bradford Township municipal recycling system as provided in this Ordinance. Mobile home parks or multi-family units that are not part of the West Bradford Township municipal recycling system must have a recycling program in accordance with this Ordinance. Residential units in a mobile home park or multi-family housing must participate in the program that is provided for them.

Section 5 - Municipal Waste Collection and Disposal - Commercial and Institutional

All commercial and institutional establishments in the Township shall be responsible for removal of any municipal solid waste from the establishment and proper disposal at an approved facility.

- A. Material that is recyclable shall not be mixed with municipal solid waste for disposal, particularly items that are required to be recycled by this ordinance.
- B. Storage of municipal solid waste at establishments shall be in vermin proof, closed containers that inhibit blowing and scattering of materials.

Section 6 - Collection and Preservation of Recyclable Materials - Commercial and Institutional

All commercial and institutional establishments in the Township shall recycle certain materials as provided in this Ordinance and maintain records of the types and quantities of materials recycled.

- A. All establishments shall separate and recycle high-grade office paper, aluminum, corrugated cardboard and other items that are appropriate for recycling. This is a minimum requirement; other materials should be recycled as appropriate for the business.
- B. A record shall be maintained of the types of material, quantities of material and the name of the hauler or facility where the material is delivered.
- C. Annual reports shall be submitted to the municipal office, as specified on forms provided by the municipality on or before January 15 following the year for which the report is due.
- D. If the municipality collects recyclable material from an establishment, than that establishment does not have to submit a report for that material.

Section 7 - Community Activities and Events - Recycling

All community activities and events shall provide for the separation and recycling of aluminum, glass and plastic as well as other materials deemed appropriate for recycling.

- A. The sponsor of each community event or activity shall provide containers and necessary signage for separation of recyclable material from municipal solid waste that is generated at the event.
- B. The sponsor of each community event shall submit an annual report of the types of material, quantity of material and the name of the hauler or facility where the material is delivered.

- C. Annual reports shall be submitted to the municipal office, as specified on forms provided by the municipality on or before January 15 following the year for which the report is due.
- D. If the municipality collects recyclable material from an event, than the sponsor does not have to submit a report for that material.

Section 8 - Yard waste, leaf and grass clippings - Residential, Commercial and Institutional

Yard waste, leaves and grass clippings are beneficial when composted or in other ways converted to usable material such as mulch or soil enriching products. These materials should not be land filled or otherwise disposed of so as to prevent recovery for beneficial use.

- A. Leaf waste, yard waste and grass clippings shall not be placed in the toter for disposal as municipal solid waste.
- B. Leaf waste shall be placed in approved biodegradable bags for curbside collection on dates established by the Township.
- C. Leaf waste shall not be placed for collection in plastic bags or other containers that are not biodegradable.
- D. Yard waste shall be prepared for collection as directed by the Township. The method of preparation of yard waste will be published on the website and/or other publications produced by the Township.
- E. Yard waste, leaves and grass clippings can be delivered to the drop off center at the Lanchester Landfill or a drop off center operated by the Township when that center is in operation. Operation dates, times, and regulations for a Township drop off center will be posted on the Township website and/or other publications when the drop off center is available.
- F. Composting of these materials is encouraged and is an appropriate method of disposal.
- G. Use of mulching mowers is encouraged to minimize grass clippings.
- H. Burning of yard waste, leaves and/or grass clippings is prohibited.

Section 9 - Multi-Family Housing, Apartments, and Mobile Home Parks

Any owner, landlord or agent of an owner of multi-family rental housing properties with four or more units shall establish a collection system for recyclable material at each property or unit.

- A. The collection system must include suitable containers and written instructions to the occupants regarding the use and availability of the collection system.
- B. Within multi-family housing, apartments and mobile home parks materials to be recycled shall be the same as those collected at curbside by the Township. The owner, landlord or agent of an owner may apply to the Board of Supervisors for relief from collection of a particular item if there is reason that the item cannot be reasonably collected, stored or sent to a proper facility.
- C. If the Township should enter into an agreement for collection of recyclable material from any multi-family housing, apartments or mobile home parks; than the owner, landlord or agent of an owner shall be responsible to assure compliance with regulations established by the Township for that collection or those established by Section 4 of this ordinance. The provision of collection

services in this section is at the sole discretion of the Township and this section is not intended to obligate the Township in any way.

- D. The owner, landlord or agent of an owner shall submit an annual report of the types of material, quantity of material and the name of the hauler or facility where the material is delivered.
- E. Annual reports shall be submitted to the municipal office, as specified on forms provided by the municipality on or before January 15 following the year for which the report is due.
- F. Inspection for compliance with this section may be made by any code enforcement person or recycling coordinator appointed by the Township.
- G. The owner, landlord, or agent of an owner shall provide educational materials regarding the recycling program that they provide on at least a semi-annual basis. Copy of this material shall be submitted with the annual report.

Section 10 - Enforcement and Administration

The Township is authorized and directed to enforce and administer this Ordinance.

- A. Enforcement may include notice of violation and a reasonable time to correct the violation and may include refusal to collect items that are not properly prepared, refusal to collect recyclable materials that are contaminated with other items or will result in loss of other material that has been collected.
- B. The administration of this Ordinance may include adding additional items for recycling or changing the dates and times for collection, methods of preparing materials or adding additional services. These changes are considered to be a valid portion of this Ordinance when done by Township Resolution.
- C. The Township will provide educational materials for residential, commercial and institutional establishments recycling at least semi-annually; promote recycling on the Township website and provide educational material at community events sponsored by the Township.

Section 11 - Violation and Penalty

A Notice of violation may be issued followed by a citation or a citation may be issued without being preceded by a notice of violation.

- A. Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Ordinance or any regulation thereof shall be punishable by fine(s) as established in this section. Each day that a violation occurs shall be considered a separate violation.
- B. An owner or occupant of a dwelling unit, any person, firm, corporation or other entity in violation of any portion(s) of this Ordinance shall be issued a notice of violation and be ordered to pay a fine of \$20, payable to the Township of West Bradford within 14 days of issuance of such notice.
- C. Failure to respond to the notice of violation set forth in subsection B above by payment of the fine aforesaid, which payment must be made to the Township of West Bradford within 14 days of issuance of such notice, shall result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure and upon conviction for the offense, the defendant shall be ordered to pay the fine hereinabove set forth, or in the case of subsequent violations, as set forth in subsection D, below, together with

the costs of prosecution and/or to be incarcerated in the County Prison for not more than five days.

- D. The fine for the first violation of this Ordinance shall be twenty dollars (\$20); for any subsequent conviction the fine shall be not less than fifty dollars (\$50) and may be punishable by a fine not to exceed five hundred dollars (\$500) and/or be incarcerated in the County Prison for not more than five days.

Section 12 - Automatic and Specific Repealer

Any Ordinance, or parts of an Ordinance, which are inconsistent with the provision of this Ordinance are hereby repealed to the extent of such inconsistency.

- A. Ordinance 93-03 adopted the 14th day of December 1993 is specifically repealed in its entirety.

Section 13 - Severability Clause

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 14 - Effective Date

This Ordinance shall be effective five days following adoption.

Date of adoption: 9th day of September, 2008

Attest:

Township of West Bradford
Board of Supervisors

Jack M. Hines, Jr., Secretary

Mark J. Blair, Chairman

John A. Haiko, Vice Chairman

Bruce W. Laverty, Member