

ORDINANCE 93-03

**TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE TO ESTABLISH A SYSTEM FOR MUNICIPAL WASTE COLLECTION AND SOURCE SEPARATION AND COLLECTION OF RECYCLABLE MATERIAL IN ACCORDANCE WITH THE PROVISIONS OF ACT 101, THE PENNSYLVANIA MUNICIPAL WASTE PLANNING AND RECYCLING AND WASTE REDUCTION ACT OF 1988.

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

WHEREAS, there is an increasing necessity to conserve our natural resources; and

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

WHEREAS, Pennsylvania Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act requires the Municipality to create regulation requiring the source separation and storage until collection of certain recyclable materials by residential, commercial, municipal and institutional establishments, and from community activities; 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 wastes that are not less stringent than or inconsistent with Pennsylvania Act 107 or Act 97, or Department of Environmental Resources regulations;

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED AND CREATED in the Township of West Bradford, County of Chester, Commonwealth of Pennsylvania as follows:

1. TITLE:

The short title of this ordinance shall be the Township of West Bradford, Recycling and Municipal Waste Collection Ordinance, and the same may be cited in that manner.

2. **DEFINITION:** (As used in this Ordinance)

Approved Trash Container:

A molded, heavy duty plastic wheeled refuse cart approximately ninety(90) gallons in capacity with lid for the purpose of storage of municipal waste at a residential dwelling unit. (Hereinafter referred to as a "toter")

Dwelling Unit:

An occupied single-or-multi-family structure having up to, and including, four dwelling units per structure, or each unit in a multi-family structure if the units are individually owned with a separate entrance onto a public or approved private street.

Aluminum Cans:

Shall mean empty all-aluminum beverage and food containers.

Bi-Metal Containers:

Shall mean empty food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

Ferrous Containers:

Shall mean empty steel or tin food or beverage containers.

Glass Containers:

Shall mean bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products.

Magazines and Periodicals:

Shall mean printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded, however, are all other paper products of any nature whatsoever.

Newspapers:

Shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled.

Person(s):

Shall mean owners, lessees and occupants of residences.

Plastic Containers:

Shall mean empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

Recyclable Materials:

Shall mean those materials specified by the Municipality to be recycled. This list of materials is specified in the recycling regulations resulting from this Ordinance and may be revised from time to time by resolution, as deemed necessary by the Municipality.

Municipal Waste:

Shall mean all refuse (garbage and rubbish) and other discarded solid material normally collected by a trash hauler. (Excluding recyclable materials and items specifically listed as not to be collected as Municipal Waste)

3. ESTABLISHMENT OF PROGRAM:

There is hereby established a program for the mandatory separation of recyclable materials from municipal waste by all persons within the Township of West Bradford, hereinafter referred to as the Municipality.

4. SEPARATION OF RECYCLABLES AND PLACEMENT FOR DISPOSAL:

Recyclable materials shall be placed at the curb in containers provided, separate from municipal waste, for collection at such times and dates as may be established by the Municipality.

5. MUNICIPAL WASTE DISPOSAL:

Municipal waste shall be placed in an approved trash container, "toter" and placed at the curb for collection at such times and dates as may be established by the Municipality.

- It shall be a violation of this Ordinance to place municipal waste at curbside that is not in an approved container, "toter" or in a bag with an approved sticker. Waste that is placed in the "toter" so that it requires the "toter" lid to be open more than one-half way, by measurement; 20 inches from the lip of the container to the lip of the lid, is considered to be not in the approved container, "toter" and is in violation of this ordinance. In the case of bulk trash items it shall be a violation of this Ordinance to place bulk items at curbside that are not properly prepared for disposal, or that contain freon.

6. PLACEMENT OF CONTAINERS AT CURB:

No municipal waste, garbage or recyclable material container, shall be placed at the curb or in the front yard on any lot except during the period beginning at 6:00 P.M. on the night prior to the scheduled collection and ending at 12:00 midnight on the day of the scheduled collection.

7. PREPARATION FOR COLLECTION:

Recyclable materials must be placed in containers provided by the Municipality. Recyclable materials must be separated and prepared for collection.

- a. *Newspapers* (including the newspaper inserts) are to be bundled (tied or bagged in paper bags) and placed at the curbside on the designated recycling day.
- b. *Aluminum beverage cans* shall be rinsed, placed in a recycling container and placed at curbside on the designated recycling day.
- c. *Flint (clear) glass* food and beverage containers shall be rinsed with caps and lids discarded, placed in a second recycling container and placed at curbside on the designated recycling day.
- d. *The preparation and designation of additional recyclable materials will be designated by the Municipality by Resolution.*

8. BULK TRASH:

Bulk trash shall be placed at the curb with other municipal waste and recyclables on the dates scheduled by the Municipality for bulk trash pick-up. Times for curbside placement shall be as detailed in section (6) herein. The materials shall be prepared as follows:

One bulk item, per dwelling unit, will be permitted on each bulk pick up day. That item must be placed at curb side on the bulk pick up day. In the event the bulk trash can be disassembled, broken or cut up, it must be disassembled, broken or cut up as much as practical and placed on the curb on the prescribed collection day. When bulk items are broken apart or consist of many pieces, than all such rubbish shall be secured or properly tied into bundles in a manner designed to prevent any scattering while the same is being handled by the collectors or while such bundles await collection; packages shall be of a size and construction so as to permit ease of handling by one man and shall in no event exceed fifty (50) pounds in weight. Building materials, leaves, grass clippings, automotive parts and tires will not be collected as bulk trash items. A box spring and mattress in a set shall be considered as one item.

9. COLLECTION BY UNAUTHORIZED PERSONS PROHIBITED:

- 1. 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.
- 2. It shall be a violation of the Ordinance for any person not duly authorized by the Municipality to collect or pick up or cause to be collected or picked up any recyclable materials placed at the curb or other designated place for

collection by the Municipality pursuant to the provisions of this Ordinance. Any and each such unauthorized collection in violation hereof from one or more residences shall constitute a separate and distinct offense as punishable as hereinafter provided in this Ordinance.

10. ***ALTERNATIVE COLLECTION OF RECYCLABLE MATERIALS:***

Any person may donate or sell recyclable materials to individuals or organizations authorized by the Municipality in its recycling regulations. These materials must either be delivered to the individuals or organizations site or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days by the Municipality. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled curbside collection day.

11. ***COMMERCIAL, MUNICIPAL AND INSTITUTIONAL RECYCLING:***

All commercial, municipal and institutional establishments shall separate and recycle all high grade office paper, aluminum and corrugated paper, as well as other materials that are appropriate for recycling shall be recycled.

All commercial, municipal and institutional establishments shall annually provide written documentation to the Municipality of the total number of tons of material that are recycled.

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.

12. ***COMMUNITY ACTIVITY:***

Each community activity shall provide for the separation and recycling of aluminum and glass as well as other materials deemed appropriate for recycling.

The sponsor of each community activity shall submit an annual report of the total number of tons of material that are recycled. 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.

13. ***LEAF WASTE AND GRASS CLIPPINGS:***

Leaf waste shall not be placed with municipal waste for curbside collection. Grass clippings shall not be placed with municipal waste for curbside collection. Leaves and grass clippings are not to be placed in the approved trash container "toter".

Leaf waste and grass clippings that are not composted, may be placed for curbside pick-up in the fall of the year in accordance with a specially designed pickup program that will be separate from regular municipal waste collection.

Residents are encouraged to compost leaves and yard waste. Composter units and educational materials regarding composting have been made available through a municipal program for this purpose. Alternately, residents are encouraged to contact local farmers, nurseries and orchards to make arrangements for drop-off of leaves and yard wastes to those entities.

14. *MULTI-FAMILY HOUSING, APARTMENTS, MOBILE HOME PARKS:*

Any owners, landlord or agent of an owner or landlord of multi-family rental housing properties with four or more units shall establish a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting material, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Ordinance shall not be liable for the non-compliance of occupants of their buildings.

The owner, landlord or agent of an owner or landlord of multi-family rental housing properties shall submit an annual report of the total number of tons of material that are recycled.

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.

Inspection for compliance with this section may be made by any duly authorized Municipal Official as may be necessary.

15. *ENFORCEMENT AND ADMINISTRATION:*

The Municipality is authorized and directed to enforce this Ordinance. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials and municipal waste in accordance with the terms hereof and any other matters required to implement this Ordinance. The Municipality may change, modify, repeal or amend any portion of said rules and regulations at any time.

16. *VIOLATION AND PENALTY:*

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 a fine not to exceed ten (\$10.00) dollars, upon a first conviction; twenty-five (\$25.00) dollars upon a second conviction; and

fifty (\$50.00) dollars upon a third or subsequent conviction. The above fines shall not be applicable to a conviction for Section 5, or Section 9 hereof which sections shall be punishable by a fine not to exceed five-hundred (\$500.00) dollars.

17. HAULER CONTRACT:

The Municipality or its designated agent may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials and municipal waste from curbside. Until or unless the entry into such an agreement this Ordinance shall not be in effect.

18. AUTOMATIC REPEALER:

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

19. THIS ORDINANCE:

Shall take effect upon establishment of schedules and regulations as required herein and after the entry into agreements with public or private haulers to collect recyclables and municipal waste.

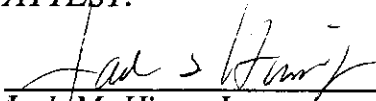
20. REPEAL OF ORDINANCE 90-07

Ordinance 90-07 is hereby repealed.

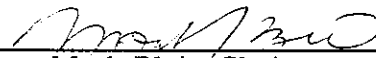
Adopted this 14th day of December 1993.


**TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS**

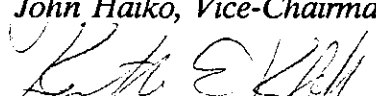
ATTEST:



Jack M. Hines, Jr.
Township Manager



Mark Blair, Chairman


John Haiko, Vice-Chairman


Kenneth Klunk, Supervisor

December 14, 1993
Date