

TOWNSHIP OF WEST CALN
ORDINANCE # 50

10.13.04

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, conservation of recyclable materials have become an important public concern because of the problems 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 Caln;
and;

WHEREAS, Pennsylvania Act 101 of 1988, The Municipal Waste Planning, Recycling and Waste Reduction Act require 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 Protection regulations;

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

1. TITLE

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

2. DEFINITIONS - As used in this ordinance:

Approved Trash Container: A watertight molded, heavy duty plastic or rust resistant metal refuse container not to exceed thirty-five (35) gallons in capacity with latching lid, or a heavy duty plastic bag of equal size for the purpose of storage of municipal waste at a residential dwelling unit.

Dwelling Unit: An occupied single or multi-family structure having up to, and including 4 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 consisting of ferrous sides and bottom and an aluminum top.

Community Activity: Shall mean an activity or event sponsored or organized by a private or public non-profit corporation for recreational, educational, cultural or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefor.

Ferrous Containers: Shall mean empty steel or tin food or beverage containers.

Glass Containers: Shall mean empty 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 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.

Persons: 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 Township.

Municipal Waste: Shall mean all refuse (garbage and rubbish) and other discarded solid material normally collected by a trash hauler. (Excluding recycled materials)

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 Caln, 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 solid 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 approved trash container and placed at the curb for collection at such times and dates as may be established by the Municipality. Commercial, municipal and institutional establishments shall be responsible for the proper disposal of municipal waste unless otherwise designated by resolution of the Board of Supervisors of the Municipality.

6. PLACEMENT OF CONTAINERS AT CURB:

No municipal waste, garbage or recyclable materials 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 up to the time of 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 curbside on the designated day.
- b. Aluminum beverage cans shall be rinsed, clear glass food and beverage

containers shall be rinsed with caps and lids discarded,, placed in a recycling container, and placed at curbside on the designated recycling day.

- c. The preparation and designation of additional recyclable materials will be designated by the Municipality by resolution.

8. BULK TRASH:

- a. 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 for as follows:
- b. One bulk item per dwelling unit will be permitted on each bulk day pick-up day, that item must be placed at curbside on the bulk pick-up day. In the event that 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 designated collection day. When bulk items are broken apart or consists of many pieces then all such rubbish shall be secured or properly tied into bundles in a manner designated 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 as to permit ease of handling by one man and shall in no event exceed fifty (50) pounds in weight. Building materials, leaves, automotive parts and tires will not be collected.

9. COLLECTION BY UNAUTHORIZED PERSONS PROHIBITED:

- a. 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 the property of the Municipality.
- b. 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 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 individual's or organization's 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 (with 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. In addition, other materials as designated by the Board of Supervisors that are appropriate for recycling shall be recycled. Commercial, municipal and institutional establishments shall be responsible for the proper disposal of recyclable materials unless otherwise designated by resolution of the Board of Supervisors of the Municipality.

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

Annual reports shall be submitted to the municipal office, as specified on forms provided by the Municipality on or before January 15th, 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 community activity shall submit an annual report of the total number of tons that are recycled. Annual reports shall be submitted to the municipal office, on or before January 15th, following the year for which the report is due.

13. LEAF AND YARD WASTE:

Persons are to separate leaf wastes generated at their homes, apartments and their residential establishments until collection unless those persons have otherwise provided for the composting of leaf waste.

Leaf waste shall not be placed with municipal waste for curb side collection. Leaf waste that is composted shall be disposed of by participation in a community leaf collection system as designated by resolution of the Board of Supervisors.

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 materials, 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 and landlords who comply with this ordinance shall not be liable for the non-compliance of occupants of their buildings. Multi-family housing rental properties with four or more units, apartments and mobile home parks shall be responsible for the proper disposal of recyclable materials unless otherwise designated by resolution of the Board of Supervisors of the Municipality.

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 that are recycled. Annual reports shall be submitted to the municipal office as specified on forms provided by the Municipality, on or before January 15th, 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 Municipality is further authorized and directed to establish and promulgate reasonable regulations as to manner, days and times for the collection of recyclable materials and municipal waste in accordance with the terms hereof and 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:

- a. Prosecution under this ordinance shall be instituted by any Municipal official and shall be filed in the name of the Township of West Caln, Chester of County, Commonwealth of Pennsylvania.
- b. Enforcement shall be by an action before a District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Municipality Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 454 (relating to trial in summary cases).
- c. 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) upon a second conviction; and Fifty (\$50.00) dollars on a third or subsequent conviction. The above fines shall not be applicable to a conviction for violating Section 9 hereof which 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.

18. REGISTRATION

Trash and recyclables haulers shall register with the Municipality providing the information requested on the registration form for such purpose and including the following:

1. Name and complete mailing address of the firm together with its business telephone number and emergency number.
2. Name, address and telephone number of the firm's contact person, and alternate, if applicable.
3. Telephone number to be used in an emergency situation by any appropriate Municipal official and the name of the contact person who will respond to such emergency if different from the contact person who will handle routine business contacts with the Municipality.
4. Proof of insurance in a form acceptable to the Municipality showing coverages for General Liability, vehicle liability, Workers Compensation

and naming the Municipality as an additional insured.

The registration for the trash and/or recyclable hauler shall be carried in all vehicles operated within the Municipality and shall be produced to the Municipal official (Manager, Assistant Manager, Code Enforcement Officer and any Police Officer or Member of the Board of Supervisors) upon request by that individual.

19. AUTOMATIC REPEALER:

All ordinances or parts of ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

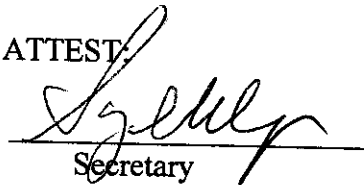
20. SEVERABILITY:

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

21. EFFECTIVE DATE:

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.

ATTEST:


Secretary

11/25/04
Date

BOARD OF SUPERVISORS
TOWNSHIP OF WEST CALN


Chairman

