



## **Willistown Township Solid Waste/Recycling Ordinance Project #605**

Prepared for:  
**Willistown Township**

Willistown Township Recycling Commission  
688 Sugartown Road  
Malvern, PA 19355  
(610) 647-5300

Sponsored by:  
**Pennsylvania Department of Environmental Protection**

400 Market Street  
Harrisburg, Pennsylvania 17101  
(717) 787-8685

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

Prepared by:  
**SCS ENGINEERS**  
11260 Roger Bacon Drive  
Suite 300  
Reston, Virginia  
(703) 471-6150

December 2018  
File No. 02217011.00  
Task #5

SCS Engineers is a waste management, environmental engineering, consulting, and construction firm. Nothing herein shall be considered or interpreted to be the provision of legal services or advice.

**Table of Contents**

<b>Section</b>	<b>Page</b>
1 Statement of Problem .....	1
2 Summary of Work Performed.....	2
3 Results.....	3
Current Program .....	3
Article I – Municipal Waste Requirements .....	4
Article II – Recycling Requirements.....	4
Definitions.....	4
Powers, Duties, and Responsibilities .....	5
Collection Service.....	5
Designated Recyclable Materials.....	6
Residential Recycling.....	7
Commercial, Institutional, and Municipal Establishment Recycling .....	8
Community Activities.....	9
Leaf Waste .....	9
Prohibited Acts .....	10
Article III – Municipal Waste and REcyclable Material Collection Requirements.....	10
Modification of “Licensing” Program .....	10
Registration and Approval of Haulers.....	10
Prohibited Acts .....	12
Contracting Collection Services.....	12
Article IV – Dumpsters and Storage Containers .....	13
Sample Ordinances.....	13
4 Recommendations .....	15
5 Conclusions .....	16

**List of Tables**

<b>No.</b>	<b>Page</b>
Table 1. Residential and Commercial Recycling Tonnages and Haulers.....	3

**Appendices**

- A – Summary of Act 101 Requirements for Mandated Recycling Communities
- B – Draft Revised Solid Waste and Recycling Ordinance
- C – Sample Recycling Ordinances

## 1 STATEMENT OF PROBLEM

Willistown Township is located in Chester County, Pennsylvania. The Township is mandated to conduct a curbside recycling program by the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). The U.S. Census Bureau counted the Township's population at 10,497 in 2010. The Township is responsible for managing solid waste and recyclable materials from about 4,300 households.

The Township and representatives from the volunteer recycling commission desire to have an updated and more effective recycling ordinance to use as a tool to improve their solid waste and recycling program to divert more materials for recycling. The Township's existing ordinance was developed in the 1980s and has been modified infrequently over the last three decades.

The purpose of this project is to review the Township's current solid waste and recycling ordinance and make suggestions on how the ordinance can be improved.

## 2 SUMMARY OF WORK PERFORMED

The following summarizes the work performed for this project:

### **Task #1: Review Current Recycling Ordinance**

SCS obtained the Township’s current solid waste and recycling ordinance and reviewed it with the following considerations in mind:

- 1) Compliance with Act 101 requirements;
- 2) Specific ideas, suggestions, and requests from the Township;
- 3) Important recycling requirements/provisions based on SCS’s familiarity with other local Pennsylvania recycling ordinances.

After completing an initial review of the ordinance, SCS traveled to Willistown Township to meet with the chairperson of the Township’s recycling commission and township administrative staff. The purpose of the meeting was to review the ordinance in detail and discuss potential modifications and updates.

### **Task #2: Recommendations for New Ordinance**

SCS made recommendations for improving the Township’s existing solid waste and recycling ordinance. A summary of the modifications is included in this report. Note the importance for the Township solicitor to review and approve changes to the ordinance before it is sent to the Township’s Board of Supervisors for approval.

### **Task 3: Example Recycling Ordinances**

SCS identified other local governments that have recycling ordinances that the Township may wish to consider prior to adopting a revised solid waste and recycling ordinance.

### **Task 4: Final Report**

This report contains the results of our research and suggested ordinance modifications.

### 3 RESULTS

This section summarizes the major updates and revisions SCS recommends the Township consider to modify their solid waste and recycling ordinance. Note that the Township’s solicitor should review and approve modifications to the ordinance prior to approval by the Board of Supervisors. **Appendix A** contains a summary of the Act 101 recycling requirements for mandated communities. These requirements were used as a guide to develop the revised solid waste and recycling ordinance presented in **Appendix B**.

#### CURRENT PROGRAM

The Township’s solid waste and recycling program includes residential curbside collection of solid waste and recyclable materials. This program is structured as an open-market subscription service where residents and business owners contract directly with private haulers for waste and recyclable material collection. The number of haulers providing collection services to residents and commercial properties has declined over the last three years. **Table 1** summarizes the number of haulers operating in the Township and the annual quantities of recyclable materials collected from the residential and commercial generating sectors.

**Table 1. Residential and Commercial Recycling Tonnages and Haulers**

Year	Residential		Commercial	
	# of Haulers	Tons Collected	# of Haulers	Tons Collected
2014	6	1341	11	525
2015	4	1371	9	425
2016	4	1,245	7	420
<b>TOTAL</b>		<b>3,957</b>		<b>1,370</b>

Over 80 percent of residential recyclable materials are collected curbside by two waste haulers. These two haulers collect residential recyclable materials using different systems: One using dual stream collection while the other major hauler collects materials using a single stream system. The quantity of commercial recyclable materials collected by the different haulers varies significantly. The largest commercial hauler in the Township collects about 30 percent of the materials.

Management and oversight of the Township’s recycling program is the responsibility of the Willistown Township Recycling Commission. The commission is a volunteer committee of seven Township residents that are appointed by the Board of Supervisors to oversee the recycling program and confirm compliance with state and local requirements. Chapter 46 of the Willistown Township Code establishes the recycling commission and outlines the duties and responsibilities of the commission.

The remainder of this section summarizes the recommendations the Township should consider for improving their existing solid waste and recycling ordinance. **Appendix B** provides a draft of the revised ordinance that includes the modifications discussed in this report.

## ARTICLE I – MUNICIPAL WASTE REQUIREMENTS

Article I of the original Township ordinance was titled “Disposal” and contained provisions on garbage disposal, collection vehicles, and littering. The purpose and objective of this article was not clear, as important provisions for solid waste collection and management were incomplete and the requirements of this section were unrelated and disorganized. SCS recommends a complete revamp and reorganization of this article to focus on how municipal waste should be managed at residential, commercial, institutional, and municipal establishments, and at community activities in the Township. The article has been renamed as the “Willistown Township Municipal Waste Ordinance.”

The ordinance establishes the responsibilities of the Township for implementing a solid waste management program that protects the health of residents and the environment. It includes an important requirement, as indicated in the Act 140 amendment to Act 101, that everyone in the Township have municipal waste collection service. This requirement is important for the Township to receive Recycling Performance Grant funding from the Pennsylvania Department of Environmental Protection (PA DEP). The article details the requirements that all residents and owners/occupants of commercial, institutional, and municipal establishments must comply with pertaining to the preparation, placement, and collection of municipal waste. The prohibited activities section of this article limits actions that may create a public nuisance within the Township.

The provisions in this ordinance for managing municipal waste follow the same structure and format as the recycling requirements provided in Article II. The next section of this report contains more details on the provisions for recycling.

## ARTICLE II – RECYCLING REQUIREMENTS

SCS recommends reorganizing the articles of the existing Township solid waste and recycling ordinance in order to provide for a more logical flow of the requirements. Article II of the existing Township ordinance is the “Willistown Township Municipal Waste Collectors Ordinance.” SCS believes a more logical flow to the Township’s ordinance is for Article II to address recycling requirements while Article III be dedicated to the requirements for haulers and collection. The responsibilities for separating, preparing, and placing of recyclable materials by residents and owners/occupants of commercial, institutional, and municipal establishments should be provided prior to outlining the requirements for collection of the materials by haulers operating within the Township.

### Definitions

The current Township ordinance recycling article contains outdated and missing definitions. The list of definitions in the current ordinance was reviewed and updated. SCS recommends using definitions that are the same or similar to those in the Municipal Waste Management Chapter of

the Pennsylvania Code<sup>1</sup> to facilitate consistency between Township and state recycling requirements.

The definitions of several terms were modified and modernized to reflect the current state of the recycling industry. SCS expanded the list of definitions in the ordinance to include specific descriptions of waste generating sectors and recyclable materials as follows:

- **Generating Sectors** – The existing as well as the revised recycling article of the Township’s ordinance contains different recycling requirements for various material generating sectors. Using the definitions in the Pennsylvania Code<sup>1</sup>, SCS included definitions of commercial, institutional, and municipal establishments, as well as definitions for single-family and multi-family establishments. Defining each establishment is important to clarify what entities and facilities must adhere to specific recycling requirements. These definitions should be evaluated against the facilities and residences in the Township to confirm all structures in the Township are covered under the ordinance and required to separate materials for recycling.
- **Recyclable Materials** – The existing Township recycling ordinance only defines “recyclable materials.” With the advent of new packaging and disposable products that may or may not be considered recyclable, it is important for the Township to be specific with how they define what materials can and cannot be recycled. This is especially true given the current market conditions for recyclable materials and concern over contamination. The revised version of the ordinance recycling article includes specific definitions of individual recyclable materials. SCS used the Pennsylvania Code<sup>1</sup> as the basis for these definitions, when possible and appropriate. SCS encourages the Township to communicate with haulers collecting recyclable materials in the Township to confirm the definitions for these recyclable materials are consistent with what materials they accept. Definitions of the following materials are included in the revised recycling article: aluminum, bi-metal containers, cardboard, glass, magazine, mixed paper, newspaper, office paper, and plastic.

### **Powers, Duties, and Responsibilities**

SCS established a new section in this article that specifies the powers, duties, and responsibilities for Willistown Township to implement a recycling program. The intent of this section is to provide the Township with the authority to require recycling and administer the “authorized hauler” program described in detail in Article III – Municipal Waste and Recyclable Material Collection Requirements of the revised ordinance.

### **Collection Service**

SCS recommends including two new sections in the recycling article of the Township’s ordinance pertaining to the collection and transportation of recyclable materials.

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<sup>1</sup>The Pennsylvania Code, Chapter 271. Municipal Waste Management – General Provisions, [www.pacode.com](http://www.pacode.com)

### **Requirement for Collection Service**

Act 140 of 2006 amended Act 101 to establish requirements for Section 904 Recycling Performance Grants. The requirements of this act must be met by mandated curbside recycling municipalities receiving Recycling Performance Grant funding. If a local government fails to meet these requirements, they risk losing the opportunity to receive Recycling Performance Grant Funding. One of the requirements of the Act 140 amendment is that the Township's recycling ordinance require residents to have waste and recycling collection service (**Appendix A**). A provision in the Township's revised ordinance (both in Article I and Article II) states that everyone in the Township must contract with an authorized hauler for the separate collection of municipal waste and recyclable materials.

### **Self-Haul Allowance**

SCS recommends including a provision that gives residents and business owners the opportunity to self-haul their recyclable materials to a recycling facility. The provision as written says that residents or business owners wishing to self-haul recyclable materials must receive prior approval from the Township in order to self-haul materials. Anyone approved to self-haul recyclable materials from their home or business is required to report to the Township on a quarterly basis the quantity of materials self-hauled and the facility that received the materials.

### **Designated Recyclable Materials**

A section titled "designated recyclable materials" was added to the revised ordinance recycling article to indicate the process the Township will use to designate additional materials for recycling. This includes designating recyclable materials in the recycling article itself or by establishing a resolution to include additional recyclable materials. The provision indicates that should the Township select additional materials for recycling, they are required to publish a notice in a newspaper or other publication in the Township so that residents know what additional materials are required for recycling.

The Township should strive to establish a recycling program that is consistent across all material generating sectors, particularly for required recyclable materials. If residents and businesses have different requirements for recycling, the inconsistent program will create confusion among residents and patrons of businesses (who are often the same) that may result in reduced participation and/or increased contamination. The recycling industry is particularly sensitive to contamination because of the need and demand for clean materials to feed industrial processes.

SCS recommends that the Township establish a core list of materials that must be recycled at all material generating sectors (residential, business, institutional, and municipal properties). Forming a list may be challenging for Willistown Township because of the open-subscription program that allows residents and businesses to contract with any hauler operating in the region to collect recyclable materials. The presence of multiple haulers that have different methods for collecting and processing materials (single stream and dual stream) may affect what items are accepted for recycling. To overcome this barrier the Township could engage with haulers servicing their jurisdiction on what materials they accept for recycling. The core list of materials required for recycling by everyone could be based on the common materials accepted for recycling by all haulers. However, this core list must be consistent with the requirements of Act

101. Act 101 provides the Township with flexibility of designating select materials for recycling at residential properties (residents must recycle at least three materials from a designated list). However, Act 101 provides more specific requirements for what must be recycled at commercial, institutional, and municipal establishments, and at community activities. Based on the materials required for recycling by Act 101 at non-residential facilities, a core list of recyclable materials for everyone in the Township would need to include, at minimum, aluminum, corrugated paper, and high-grade office paper (as well as leaf waste).

### **Residential Recycling**

The residential recycling section in the Township's existing ordinance was divided to differentiate the provisions and requirements for recycling at single-family residential establishments and multi-family residential establishments. Requirements for recycling at both single-family and multi-family residential establishments include:

- Source separation of recyclable materials from municipal waste;
- Arrangements for collection of recyclable materials by an authorized hauler;
- Establish the collection frequency of recyclable materials, to occur no less than once per week.

The revised residential recycling requirements are similar to the requirements in the Township's existing ordinance. A significant update to the requirements include mandating weekly collection of recyclable materials.

### **Single-Family Residential Establishments**

The recycling requirements for single-family residential establishments include provisions for the preparation of recyclable materials, placement of recycling containers, and limits on when recycling containers can be placed at the curb for collection and when they must be removed from the street.

### **Multi-Family Residential Establishments**

The requirements for recycling at multi-family residential establishments are similar to single-family residential establishments with two notable exceptions:

- **Establishment of Collection System** – Owners or property managers of multi-family residential establishments must set-up a collection system for recyclable materials. The system must include an appropriate number of recycling containers placed in easily accessible locations to accommodate the amount of recyclable materials generated at each property. The system must include written instructions to the residents to inform them of the requirement to recycle and the use and availability of the collection program.
- **Reporting Requirements** – Owners or property managers are required to provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the name and address of the property where recyclable materials are

generated/collected, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the reports. Reports must be submitted quarterly to the Township, which is updated from annual reporting as required in the existing ordinance.

### **Commercial, Institutional, and Municipal Establishment Recycling**

This section of the Township's recycling ordinance includes requirements for commercial, institutional, and municipal recycling. It includes requiring owners or property managers to set up a recycling program. The program must include an appropriate number of recycling containers placed in easily accessible locations to accommodate the amount of recyclable materials generated at each property. In addition, owners or property managers must provide instructions to the tenants or occupants of their properties to inform them of the requirement to recycle and the use and availability of the collection program.

The Township's original ordinance goes beyond the minimum requirements of Act 101 by requiring the recycling of high-grade office paper, clear and colored glass, plastic containers, aluminum, and corrugated paper. The revised ordinance references the separation of "recyclable materials" that is defined to include a much broader list of materials than what is included in the current ordinance. However, if the Township is not able to develop a core list of materials required for recycling, the ordinance should be refined to list the specific materials that need to be recycled. At a minimum, this must include high-grade office paper, aluminum, corrugated paper, and leaf waste.

Two notable differences for reporting data to the Township between the existing and revised recycling ordinances for commercial, institutional, and municipal establishments include:

- **Reporting Frequency** – The existing ordinance requires facilities that must recycle under this section to report data on an annual basis. However, based on conversations with the Township, quarterly reporting of data is requested and included as a requirement in the revised ordinance. The Township will need to weigh the additional administrative support needs required against quadrupling the amount of data the Township will collect and maintain to decide what makes the most sense.
- **Reporting Entity** – The existing ordinance provides flexibility for business owners and other entities to designate their hauler as responsible for reporting data to the Township. SCS recommends that the Township eliminate that flexibility and require the commercial, institutional, or municipal establishment to report the data. This may be beneficial for two reasons:
  - 1) Reduces confusion or uncertainty over what entity will report the data, which could save administrative time and foster accountability, and
  - 2) Requires entities to obtain and review recycling data provided by haulers to increase awareness of how much material is being diverted from disposal.

Note that for recycling tonnages to be accepted under PADEP's Section 904 Recycling Performance Grant Program, hauler verification is required.

## Community Activities

Act 101 requires recycling at community activities. SCS developed a separate section to include in the revised ordinance that outlines the requirements for recycling at these events. The proposed requirements conform to and at times exceed Act 101. The following provisions are included:

- Arranging for the source-separation of recyclable materials, including aluminum, plastic, glass, cardboard, and leaf waste (the Township should consider requiring the recycling of “core” recyclable materials generated at community activities if such a list can be established);
- Developing a collection system that includes an appropriate number of recyclable material collection containers with labels/signs for what materials are accepted for recycling;
- Contracting with an hauler for the collection of recyclable materials;
- Reporting to the Township the quantity of recyclable materials recovered, name of the hauler collecting materials, and the name of the community activity.

Event organizers and/or sponsors are responsible for meeting the requirements for recycling at community activities. One way the Township could facilitate compliance with these requirements is by requesting event organizers and sponsors submit a “recycling plan” when they apply for a permit to host such an activity in the Township.

## Leaf Waste

Requiring the diversion and composting of leaf waste is an important component of the Township’s recycling ordinance. For this reason, SCS believes the Township’s recycling ordinance should have a separate section outlining the requirements for the recycling of leaf waste. Currently, requirements for leaf waste diversion are included throughout the existing ordinance.

Act 101 requires the source separation and collection of leaf waste. The requirements include that leaf waste be collected curbside at least once per month or that leaf waste be collected curbside two times per year (once in the spring and once in the fall) and that the Township establish a drop-off program where residents can deposit leaf waste at least once per month. The designated leaf waste drop off site may be located in a neighboring municipality or at a private facility provided there is an agreement in place for the Township to use the facility. It is the Township’s responsibility to inform residents and owners or occupants of commercial, institutional, and municipal establishments of the location of the leaf waste drop-off site.

The revised ordinance includes requirements for residents and business owners to separate leaf waste and arrange for the collection of the materials by an authorized hauler no less than once per month. The revised ordinance also contains a requirement that owners or landlords of multi-family residential, commercial, institutional, and municipal establishments report the quantities of leaf waste diverted to the Township on a quarterly basis. Haulers are required to report the

quantities of leaf waste collected from single-family residential establishments (see Article III – Municipal Waste and Recyclable Material Collection Requirements). Residents and business owners are permitted to use leaf waste on their properties for composting, landscaping, or horticultural purposes.

**Prohibited Acts**

This section was revised to include activities that are prohibited by all persons in the Township. Some of these provisions are important for compliance with Act 101, such as prohibiting the burning of recyclable materials and leaf waste, and littering/illegal dumping. Other provisions have been identified by other local governments in Pennsylvania as important for managing recyclable materials to reduce nuisance activities. These include limits on storing or stockpiling materials on properties, overfilling containers, and the unauthorized collection of recyclable materials.

**ARTICLE III – MUNICIPAL WASTE AND RECYCLABLE MATERIAL COLLECTION REQUIREMENTS**

**Modification of “Licensing” Program**

All articles of the Township’s solid waste and recycling ordinance have been updated to remove references to a “licensed collector” or requirements for hauler licensing by the Township. Pennsylvania’s Waste Transportation Safety Act, PA Act 90, requires waste transportation vehicles with a gross weight of greater than 17,000 pounds transporting municipal and residual waste to waste processing and disposal facilities have a valid Waste Transporter Authorization. Upon implementation of this law, the legality of local government licensing programs was questioned and many have transitioned their own licensing programs to “registration” programs that do not require haulers to pay a fee. To avoid legal issues or concerns surrounding the Township’s licensing requirement as written in their current ordinance, it is suggested the Township adopt a waste and recycling hauler registration program.

Language in this article is updated to reference the requirement that haulers register with the Township to become an “authorized hauler.” Persons wishing to become an authorized hauler in the Township must go through a registration and approval process to collect materials in the Township. The details of the registration and approval process is included in the following section.

**Registration and Approval of Haulers**

In order to exercise some control over haulers operating in the Township, SCS recommends that the Township implement a “registration” program for haulers that “authorizes” them to collect municipal waste, recyclable materials, and leaf waste upon approval by the Township Manager. Such a program provides the Township with many benefits, including:

- 1) Tracking haulers and their customers;

- 2) Identifying what days haulers will collect municipal waste and recyclable materials;
- 3) Protecting the Township from damages and/or claims from hauler negligence;
- 4) Obtaining waste and recyclable material collection tonnage data to benchmark and measure the Township's progress in diverting recyclable materials and leaf waste;
- 5) Laying the groundwork for implementing a franchised hauling system.

Individuals or companies wishing to collect municipal waste, recyclable materials, and leaf waste in the Township must register and receive approval from the Township Manager prior to operating in the Township. The program requires annual registration and approval that must be completed by January 31 of each year. Landscapers and others that provide yard services to residents and transport leaf waste off the property for disposal are required to register as an authorized hauler in the Township. Exceptions to the registration and approval program are made for residents and others who self-haul their materials. The revised ordinance (Article III) specifies the following information must be submitted as part of the registration program in order to be approved as an authorized hauler:

- 1) The business name of the hauler, name of a contact person, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township who will be serviced by the hauler.
- 2) The make, model, year, and registration number (if applicable) of each truck or vehicle used by the hauler in Willistown Township to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste.
- 3) A certificate of the hauler's workmen's compensation insurance, as required by law.
- 4) A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and person's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Township by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to Willistown Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to Willistown Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
- 5) Each hauler shall provide the Township with its current rate schedule, its intended areas of operation in the Township (by street), the terms of service, and the scheduled days of collection in different areas of the Township.

- 6) The name of the disposal facility, in compliance with the Chester County Waste Management Plan and Waste Flow Control Ordinance, where municipal waste will be taken for disposal.
- 7) The processing and/or marketing facilities where the recyclable materials will be taken.
- 8) The state-permitted composting site where leaf waste will be taken for composting.
- 9) Quarterly reports containing the quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments in the Township if the hauler collected municipal waste, recyclable materials, and leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type.
- 10) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary. The Township may wish to require the submittal of additional information as necessary to exercise control over haulers operating in the Township.

The draft ordinance also includes a section that outlines the conditions haulers must adhere to in order to maintain their authorized hauler status. These include requirements for providing separate collection services for municipal waste, recyclable materials, and leaf waste; establishing material preparation guidelines and communicating those requirements to their customers; identifying customers who are not complying with the Township’s recycling ordinance; and maintaining clean, safe, and reliable collection equipment. The ordinance identifies the reasons for which the Township may suspend or revoke a hauler approval for non-compliance with the requirements of the program.

**Prohibited Acts**

The list of prohibitions in the Township’s existing collection ordinance is designed to reduce nuisance activities associated with the collection of materials. In addition to the limits already established, SCS added additional prohibitions for the Township to consider, including:

- Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Township prior to 6:00 a.m. or after 8:00 p.m.
- Fail to replace containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.

**Contracting Collection Services**

If the Township is interested in establishing a franchised collection system at some point in the future, SCS recommends the revised collection article of the ordinance include a contracting

collection services clause. Such a clause establishes the Township's ability to enter into contracts with haulers for the exclusive collection of municipal waste, recyclable materials, and/or leaf waste in one or more parts of the Township. Actual language included in the draft ordinance is as follows:

*The Township or its designated agent may enter into one or more agreements at any time with authorized haulers for the collection of municipal waste, recyclable materials, and/or leaf waste from residential, commercial, institutional, and/or municipal establishments. Procuring collection services by an authorized hauler shall be completed using a public bid process that will permit authorized hauler(s) to exclusively collect all or part of the municipal waste, recyclable materials, and/or leaf waste generated in the Township.*

## ARTICLE IV – DUMPSTERS AND STORAGE CONTAINERS

Reviewing and updating of Article IV, Dumpsters and Storage Containers, of the Township's Garbage, Rubbish, and Refuse ordinance was outside the scope of work for this recycling technical assistance program. SCS does not make recommendations for how this article can be updated or improved. SCS encourages the Township to review this article in light of the proposed modifications discussed above for consistency of terms and requirements.

## SAMPLE ORDINANCES

Local governments in Pennsylvania have updated their solid waste and recycling ordinances to improve their solid waste management programs. SCS identified the following local governments that have recently updated their ordinances. **Appendix C** includes copies of these updated ordinances for the Township to review.

- **Honey Brook Township** – Honey Brook Township is mandated by Act 101 to conduct a curbside recycling program. Similar to Willistown Township, solid waste and recyclable material collection is an open-market system where residents and owners of commercial, institutional, and municipal establishments independently contract for material collection. The Township established a registration program for haulers operating in their jurisdiction to help facilitate compliance with applicable laws and regulations. The Township's website contains information on recycling and links to the Chester County Solid Waste Authority's website that contains additional information on recycling in Chester County. The Township's website is <http://honeybrooktwp.com/helpful-links/recycling/>.
- **Township of Exeter** – This Township is also mandated by Act 101 to conduct a curbside recycling program. The Township has an exclusive contract with one hauler for the collection of residential recyclable materials. Under the contract, residents are entitled to have two "free" recycling containers. Residents needing additional recycling containers must purchase a sticker to place on the additional containers in order for the materials to

be collected. Commercial and institutional establishments enter into independent contracts with a private waste hauler for the collection of recyclable materials. Information on the Township's recycling program is available at <http://www.exetertownship.com/Pages/Recycling.aspx>.

## 4 RECOMMENDATIONS

**Section 3 – Results** provides the recommendations that SCS suggests the Township make to modernize their solid waste and recycling ordinance, exercise control over the waste haulers operating in the Township, and improve their recycling program. The Township solicitor must review proposed changes or modifications to confirm compliance with applicable laws and regulations prior to voting by the Township’s Board of Supervisors. **Appendix B** includes a draft of the revised municipal waste and recycling ordinance for the Township to consider.

## 5 CONCLUSIONS

Willistown Township should revise their existing municipal waste and recycling ordinance in a way that best serves the Township's residents and the owners/occupants of commercial, institutional, and municipal establishments. Township officials and staff, in conjunction with their Solicitor or legal counsel, should decide what modifications should be made. The revised ordinance should be carefully scrutinized to confirm it complies with Act 101.

Appendix A  
Summary of Act 101 Requirements for Mandated Recycling Communities

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## Summary of Act 101 Requirements for Mandated Recycling Communities

### Overview

Chapter 15, Section 1501 of the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act (Act 101), outlines the requirements for large municipalities to recycle.

Municipalities, other than counties, with a population of 10,000 or more people or with a population of more than 5,000 but less than 10,000 people, and a population density of more than 300 people per square mile, are mandated to recycle.

### Recycling Ordinance

An Act 101 mandated local government must adopt an ordinance that requires recycling. The ordinance shall require the following:

- 1) Recycling at single-family homes and apartments; commercial, municipal, and institutional establishments; and at community activities.
- 2) A scheduled day, at least once per month, when separated recyclable materials are to be placed at the curb or similar location for collection.
- 3) A collection system, including trucks and related equipment, to pick-up separated recyclable materials from the curb or similar location at least once per month from homes and businesses in the municipality. The municipality shall explain how the system will operate, the dates of collection, the responsibilities of persons within the municipality and incentives and penalties.
- 4) Provisions to ensure compliance with the ordinance, including incentives and penalties.
- 5) Provisions for the recycling of collected materials.

### Residential Recycling

Residents must separate for recycling at least three materials deemed appropriate by the municipality from municipal waste generated at their homes, apartments, or other residential establishments. Separated materials must be stored at the property until collection. The three materials must be selected from the following:

- Clear glass;
  - Colored glass;
  - Aluminum;
  - Steel and bimetallic cans;
  - High-grade office paper;
  - Newsprint;
  - Corrugated paper;
  - Plastics.
-

Leaf waste must also be separated from municipal waste generated at residential properties and stored for collection, unless residents have already provided for the composting of the materials (i.e. backyard composting).

Owners or landlords of multi-family rental properties with four or more units must establish a recycling collection system 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 or landlords that comply with these requirements shall not be liable for noncompliance by occupants of their buildings.

### **Commercial, Municipal, and Institutional Recycling**

Occupants of commercial, municipal, and institutional establishments are required separate and store for recycling of the following materials at a minimum:

- High-grade office paper
- Aluminum;
- Corrugated paper;
- Leaf waste.

Occupants of commercial, municipal, and institutional establishments may be exempt from the requirements of this law if those persons have otherwise provided for the recycling of materials they are required to recycle. To be eligible for an exemption, the commercial, municipal, or institutional generator must provide written documentation to the municipality annually.

### **Community Activity Recycling**

Organizers of community events must provide for the separation, storage, and collection of high-grade office paper, aluminum, corrugated paper, and leaf waste at the events. Community activities required to recycle include events sponsored in whole or in part by a municipality or held within a municipality and sponsored privately. Events include fairs, bazaars, picnics, or sporting events that will be attended by more than 200 or more people each day of the event.

### **Leaf Waste Diversion**

Municipalities mandated to recycle under Act 101 must require residential and commercial establishments to separate and store leaf waste for collection. Leaf waste includes leaves, shrubbery, tree trimmings, and similar materials, excluding grass clippings. These materials must be collected at least monthly. In order to comply with Act 101, mandated municipalities must at a minimum:

- 1) Implement an ordinance that requires leaf waste to be separated from municipal waste for recycling at residential and commercial, municipal, and institutional establishments,  
AND
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- 2) Establish a scheduled day, at least once per month, when leaf waste is collected curbside or similar location, OR
- 3) Establish a scheduled day, no less than two times per year and preferably in the spring and fall, when leaf waste is collected curbside or similar location from residential and commercial establishments, AND facilitate a drop-off location or other collection alternative approved by the Pennsylvania Department of Environmental Protection that allows persons to drop-off leave waste for composting at least once per month. A leaf waste drop off site can be in a neighboring municipality or at a private establishment provided there is an agreement in place to utilize the site, and residents and occupants of commercial establishments are informed of the drop-off location at least every six months.

Municipalities are encouraged to manage source separated Christmas trees as leaf waste for processing at DEP approved composting facilities.

### **Public Education and Outreach**

Municipalities subject to the requirements of Act 101 must implement a comprehensive and sustained public education program. This program is to provide residents and owners/tenants/occupants of commercial, municipal, and institutional establishments with information on recycling program features and requirements. The educational program includes two features:

- **Initial Education** – At least 30-days prior to the start of a recycling program notify all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements as contained in the ordinance.
- **Sustained Education** – Every six months the municipality must inform and remind all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements.

Numerous forms of educating the public are acceptable and include:

- Newspaper advertisement circulating in the municipality;
- Public notice posted where such notices are customarily posted;
- Notices in other official notifications (i.e. utility bills);
- Website;
- Newsletter;

A combination of forms are acceptable and at least one form must be in print annually.

### **Implementation**

Municipalities may implement their responsibilities for the collection, transportation, processing, and marketing of recyclable materials in one or a combination of the following ways:

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- 1) Collect, transport, process, and market recyclable materials themselves;
- 2) Enter into a contract(s) with other entities for the collection, transportation, processing, or marketing of recyclable materials. If contracting for recycling services, the entity being contracted is responsible to the municipality for implementing of recycling activities.
- 3) Contract with a landfill or material recovery facility, in lieu of a curbside recycling program, that guarantees by contract that at least 25 percent of the waste received is recycled. The technology utilized in this program must have prior approval from DEP.
- 4) Utilize a recycling facility that demonstrates that the materials separated, collected, recovered, or created by the facility can be marketed as readily as materials collected through a curbside recycling program. In addition, the mechanical separation technology used by the facility has been demonstrated to be effective for the life of the facility.

### **Exceptions**

The municipality is not required to collect, transport, process, or market recyclable materials or contract for these services if all of the following conditions are met:

- 1) The municipality is not collecting and transporting municipal waste from such establishment or activity.
- 2) The municipality has not contracted for the collection and transportation of municipal waste from such establishment or activity.
- 3) The municipality has adopted an ordinance as required, and the establishment or activity complies with the provisions of the ordinance.

## **Act 140**

### **Requirements for Section 904 Recycling Performance Grants**

#### **Overview**

Act 101 was amended in 2006 by Act 140 to establishment requirements for the use of Section 904 Recycling Performance Grants.

#### **Requirements:**

Municipalities mandated to recycle under Act 101 and receive more than \$10,000 in funding from recycling performance grants must meet the following requirements:

- 1) Requires, through ordinance, that all residents have waste and recycling service.
  - 2) Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
  - 3) Has a residential and business recycling education program.
  - 4) Has a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides fines, penalties, or both, in its recycling ordinance.
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- 5) Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.
- 6) Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.
- 7) Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipal or municipalities.

If these requirements are not satisfied by the municipality, then the grant funds awarded under this section must be expended by the municipality only to satisfy these requirements. If all these requirements are satisfied, then the grant funds awarded may be used for any expense as selected by the municipality.

Appendix B  
Draft Revised Municipal Waste and Recycling Ordinance

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**Chapter 87 - REVISED**  
**Willistown Township**  
**Municipal Waste and Recycling Requirements**

Article I – Municipal Waste Requirements

Article II – Recycling Requirements

Article III – Municipal Waste and Recyclable Material Collection Requirements

Article IV – Dumpsters and Storage Containers

ARTICLE I  
**Municipal Waste Requirements**

**Title.**

This article shall be known and may be cited as the "Willistown Township Municipal Waste Ordinance."

**Program established.**

There is hereby established a program for the mandatory collection of municipal waste within Willistown Township, Chester County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of municipal waste in Willistown Township except in accordance with this article. The use of a registered and approved authorized collector will not relieve any person from compliance with this article.

**Definitions.**

As used in this article, the following terms shall have the following meanings:

Authorized Hauler - Person registered and authorized by Willistown Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Willistown Township.

Commercial Establishment – A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

Community Activity — Events sponsored or organized in whole or in part by Willistown Township or conducted within Willistown Township and sponsored privately by a non-profit or for-profit organization and conducted within Willistown Township for recreational, educational, cultural, social, or civic purposes, which are attended by 100 or more members of the public or members of a specific organization or group per day. Community activities include but are not limited to fairs, bazaars, socials, picnics and organized sporting events.

Dwelling Unit – One or more rooms in a residential establishment in which rooms have fixed cooking facilities arranged for occupancy by one or more people in each room.

Institutional Establishment – Of or pertaining to any establishment engaged in service to persons, but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

Landlord – The owner of residential property of such owner's authorized agent.

Multi-Family Residential Establishment – A building or buildings under single or multiple ownership and designed as a residence for four or more families living independently of each

other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

Municipal Establishment – Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Willistown, any counties, cities, townships, and municipal authorities.

Municipal Waste — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material resulting from the operations 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 of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., 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 and leaf waste.

Municipal Waste Container – A container designated by the property owner or resident for the storage of municipal waste. A container may be provided by the property owner, resident or tenant, or the authorized hauler collecting municipal waste. A container must be durable, watertight, and be at least 30-gallons in size.

Person — Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article 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 any other legal entity having officers and directors.

Recyclable Materials — Materials designated as recyclable in this article or by Township resolution for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum containers, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper, office paper, and plastic.

Resident – Any person who owns, leases or occupies a property located in Willistown Township used as a residence.

Single-Family Residential Establishment — Of or pertaining to any occupied dwelling unit for human habitation, except multi-family residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a “residential establishment.”

Township - The governmental jurisdiction and legal entity of Willistown Township, Chester County, Pennsylvania.

**Powers, duties, and responsibilities.**

- 1) Responsibilities – The Township shall have the power to adopt and implement a program for the control and management of municipal waste.
- 2) Powers – In carrying out its duties under this section, the Township Board of Supervisors may adopt resolutions establishing procedures, regulations and standards for the management, collection, and disposal of municipal waste.
- 3) Duties – The Township shall implement the provisions of this article by registering and approving authorized haulers to collect, transport, process, and market municipal waste from single-family residential; multi-family residential; commercial, institutional, and municipal establishments; and from community activities.

**Requirement for collection service.**

All persons in the Township must contract with an authorized hauler for the curbside or similar location collection of municipal waste.

**Self-haul allowance.**

Persons may self-haul their municipal waste to a state-authorized disposal facility in lieu of contracting for curbside municipal waste collection services. Persons opting to self-haul materials must receive prior approval from the Township to self-haul, retain receipts and/or weigh tickets that document the quantity of municipal waste disposed, and submit quarterly reports to the Township documenting their name, address, quantities of municipal waste, and other information as required by the Township. Reports must be submitted within 30 days of each calendar quarter

**Preparation, placement, and collection of municipal Waste**

Single-family residential establishments

- 1) Collection of municipal waste shall be arranged with an authorized hauler by the owner or occupants of each single-family residential establishment. Owners or occupants of each single-family residential establishment and the authorized hauler shall establish a collection frequency that shall occur no less than once per week.
- 2) The owner or occupant of the single-family residential establishment must obtain information from their authorized hauler on how municipal waste should be prepared for collection.
- 3) Requirements for collection.
  - a. All municipal waste must be placed in a container. The container may be provided by the property owner, resident or tenant, or authorized hauler.
  - b. Municipal waste must be prepared to prevent the materials from being blown about or littered on Township streets or on private property. This may include

placement of municipal waste in containers with latching lids or in bags that have been tied shut as directed by an authorized hauler.

- c. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in recycling containers.
- d. Containers shall be placed at the curbside or another location as designated by an authorized hauler for collection. Under no circumstances shall containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
- e. No container shall be placed at the curb or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection.

#### Multi-family residential establishments.

- 1) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a system for the collection, transportation, and disposal of municipal waste generated at each building.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized hauler for the collection of municipal waste.
- 3) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Municipal waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family establishment and the authorized hauler, but shall occur no less than once a week. More frequent collection of municipal waste may be necessary to prevent containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 5) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Township that lists the authorized hauler collecting municipal waste from the property, the total quantity of municipal waste collected from each multi-family establishment, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.

#### Commercial, institutional, and municipal establishments

- 1) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must establish a system for the collection, transportation, and disposal of municipal waste generated at the property.
- 2) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must contract with an authorized hauler for the collection of municipal waste.
- 3) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Municipal waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized hauler, but shall occur no less than once a week. More frequent collection of municipal waste may be necessary to prevent approved containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 5) The owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting municipal waste from the property, the total quantity of municipal waste collected from each commercial, institutional, or municipal establishment, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.

#### Community activity

- 1) Organizers or sponsors of community activities must establish a system for the collection, transportation, and disposal of municipal waste.
- 2) Organizers or sponsors of community activities must establish a collection system that includes an appropriate number of containers at easily accessible locations to accommodate the amount of municipal waste generated.
- 3) Organizers or sponsors must contract with a township-authorized collector for the collection of municipal waste.
- 4) Organizers or sponsors of a community activity must provide a written report to the Township that lists the authorized hauler collecting municipal waste from the community activity, the total quantity of municipal waste collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than 30 days upon the conclusion of the event.

#### **Prohibited acts.**

- 1) Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit municipal waste on any private or public property or grounds in the Township.
- 2) Overfilling containers – Containers of municipal waste must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
- 3) Storing/stockpiling materials – All persons in the Township are prohibited from storing, processing, or disposing of municipal waste on a property except at a facility or in preparation for the collection by an authorized hauler as provided herein.
- 4) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Supervisors pursuant to this article.

### **Violations and penalties.**

- 1) Penalties. Any person who violates any provision of this article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this article shall, upon conviction thereof in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$250. Each continuing day of any violation of this article or unlawful conduct as defined in this article shall constitute a separate offense punishable by a like fine or penalty.
- 2) Injunction. In addition to any other remedy provided in this article, Willistown Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this article for an injunction to restrain a violation of this article or any rules, regulations or resolution promulgated or issued by the Township Board of Supervisors pursuant to this article.
- 3) Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent Willistown Township from exercising any other remedy provided by this article or otherwise provided at law or equity.

### **Construal.**

The terms and provisions of this article are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, 53 RS. § 4000.101 et seq., and the rules and regulations adopted thereunder.

ARTICLE II  
**Recycling Requirements**

**Title.**

This article shall be known and may be cited as the "Willistown Township Recycling Ordinance."

**Program established.**

There is hereby established a program for the mandatory source separation and collection of recyclable materials in Willistown Township, Chester County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in Willistown Township except in accordance with this article. The use of a registered and approved authorized collector will not relieve any person from compliance with this article.

**Definitions.**

As used in this article, the following terms shall have the following meanings:

Act 101 – The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Aluminum – Empty beverage and food containers, trays and plates comprised of 100 percent aluminum.

Authorized Hauler - Person registered and authorized by Willistown Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Willistown Township.

Bi-Metal Containers – Empty food or beverage container made of steel with a thin plating of tin over the steel.

Cardboard – A structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Commercial Establishment – A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

Community Activity — Events sponsored or organized in whole or in part by Willistown Township or conducted within Willistown Township and sponsored privately by a non-profit or for-profit organization and conducted within Willistown Township for recreational, educational, cultural, social, or civic purposes, which are attended by 100 or more members of the public or members of a specific organization or group per day. Community activities include but are not limited to fairs, bazaars, socials, picnics and organized sporting events.

Dwelling Unit – One or more rooms in a residential establishment in which rooms have fixed cooking facilities arranged for occupancy by one or more people in each room.

Glass – Empty bottles, jars, and food and beverage containers made of clear, blue, green, brown, or amber glass, excluding plate glass, window glass, automotive glass, porcelain, ceramic products, and glass ornaments.

Institutional Establishment – Of or pertaining to any establishment engaged in service to persons, but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

Landlord – The owner of residential property of such owner's authorized agent.

Leaf Waste — Leaves, garden residues, shrubbery, tree limbs and similar materials, but not including grass clippings.

Magazine – A periodical publication containing a collection of articles, stories, photographs, illustrations, and other features usually bound with a paper cover and printed in one or more colors on glossy or chemically coated paper, excluding newsprint and all other paper or fiber materials.

Mixed Paper – Recyclable paper materials including paperboard/boxboard, junk mail, and other designated recyclable paper. Excludes cardboard containers, magazines, office paper, and newsprint.

Multi-Family Residential Establishment – A building or buildings under single or multiple ownership and designed as a residence for four or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

Municipal Establishment – Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Willistown, any counties, cities, townships, and municipal authorities.

Municipal Waste — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material resulting from the operations 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 of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., 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 and leaf waste.

Newspaper – Paper distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

Office Paper – Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationary, note paper, computer paper, envelopes, and other general purpose paper, including shredded paper.

Person — Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article 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 any other legal entity having officers and directors.

Plastic – Empty and clean plastic containers that contained food, beverage, cleaning, laundry, and other household products. Includes only rigid containers marked with a recycling symbol and a single number (i.e. 1, 2, 3, 4, 5, 6, or 7). Examples include soda and water bottles, milk and water jugs, laundry soap containers, produce and other food containers, and soap bottles. Excludes expanded polystyrene containers.

Recyclable Materials — Materials designated as recyclable in this article or by Township resolution for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum containers, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper, office paper, and plastic.

Recycling – The separation, collection, processing, and recovery and sale or reuse of recyclable materials, which could otherwise be disposed of or processed as municipal waste.

Recycling Container – A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the property owner, resident or tenant, or the authorized hauler collecting recyclable materials. A container must be durable, watertight, and be at least 30-gallons in size with a label indicating the container is for recyclable materials.

Recycling – Dual Stream– A method of recycling in which paper and cardboard are separated from other recyclable materials, such as plastic, glass, and metal, and collected separately, typically using two recycling containers. Materials are collected curbside or similar location by an authorized hauler.

Recycling – Single Stream – A method of recycling that allows all recyclable materials to be placed in the same container for curbside or similar collection by an authorized hauler.

Resident – Any person who owns, leases or occupies a property located in Willistown Township used as a residence.

Single-Family Residential Establishment — Of or pertaining to any occupied dwelling unit for human habitation, except multi-family residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a “residential establishment.”

Source-Separation - The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

Township - The governmental jurisdiction and legal entity of Willistown Township, Chester County, Pennsylvania.

**Powers, duties, and responsibilities.**

- 1) Responsibilities – The Township shall have the power to adopt and implement a program for the recycling of recyclable materials and leaf waste.
- 2) Powers – In carrying out its duties under this section, the Township Board of Supervisors may adopt resolutions establishing procedures, regulations and standards for the separation, storage, collection, transportation, and recycling of recyclable materials.
- 3) Duties – The Township shall implement the provisions of this article by registering and approving authorized haulers to collect, transport, process, and market recyclable materials and leaf waste from single-family residential; multi-family residential; commercial, institutional, and municipal establishments; and from community activities.

**Requirement for collection service.**

All persons in the Township must contract with an authorized hauler for the separate curbside or similar location collection of recyclable materials and leaf waste.

**Self-haul allowance.**

Persons may self-haul recyclable materials and leaf waste to a state-authorized recycling facility in lieu of contracting for curbside recyclable material and leaf waste collection services. Persons opting to self-haul materials must receive prior approval from the Township to self-haul, retain receipts and/or weigh tickets that document the quantity of recyclable materials and leaf waste disposed, and submit quarterly reports to the Township documenting their name, address, quantities of each material self-hauled, and other information as required by the Township. Reports must be submitted within 30 days of each calendar quarter

**Designated recyclable materials**

Designated recyclable materials for the recycling requirements pursuant of this article shall include the following materials:

- 1) Materials designated as recyclable in this article or by resolution of the Township.
- 2) Other recyclable materials as designated by resolution after 30 days of designation and publication in newspaper, or other publication with general circulation in the Township.

## **Separation, preparation, placement, and collection of recyclable materials**

### Single-family residential establishments

- 1) Except as otherwise provided herein, all persons owning or occupying single-family residential establishments shall separate all recyclable materials generated in their single-family residential establishment from municipal waste. Recyclable materials shall be placed in recycling containers and the recycling containers placed curbside or in another designated location for collection by an authorized hauler.
- 2) Separate collection of recyclable materials shall be arranged with an authorized hauler by the owner or occupants of each single-family residential establishment. Owners or occupants of each single-family residential establishment and the authorized hauler shall establish a collection frequency that shall occur no less than once per week.
- 3) The owner or occupant of the single-family residential establishment must obtain information from their authorized hauler on how recyclable materials should be prepared (i.e. recycling – single stream or recycling – dual stream) for collection.
- 4) Requirements for collection.
  - a. All recyclable materials must be placed in a recycling container separate from municipal waste. Recycling containers may be provided by the authorized hauler or resident.
  - b. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in recycling containers.
  - c. Containers shall be placed at the curbside or another location as designated by an authorized hauler for collection. Under no circumstances shall containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
  - d. No container shall be placed at the curb or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection.
  - e. Recyclable materials must be clean and dry and prepared according to the requirements of the Township or authorized hauler.
- 5) Nothing herein shall be deemed to impair the ownership of recyclable materials by the person who generated them unless and until such materials are placed at the curb or similar location for collection by the authorized hauler.

### Multi-family residential establishments.

- 1) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a system for source-separation, collection, transportation, and recycling of the recyclable materials generated at multi-family residential establishments. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each multi-family residential establishment. The system must also include written instructions to the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right to require additional recycling containers for recyclable materials if the Township deems there is insufficient recycling containers to serve residents.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized hauler for the separate collection of recyclable materials.
- 3) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the authorized hauler, but shall occur no less than once a week. More frequent collection recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 5) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.
- 6) Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of residents.

#### Commercial, institutional, and municipal establishments

- 1) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must establish a system for source-separation, collection, transportation, and recycling of recyclable materials generated at each building. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. It must also include written instructions to the tenants or occupants of commercial, institutional, and municipal establishments to inform them of the requirement to recycle and the use and availability of the collection program. The

Township reserves the right to require additional recycling containers for recyclable materials if the Township deems there is insufficient containers to serve occupants or tenants.

- 2) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must contract with an authorized hauler for the separate collection of recyclable materials.
- 3) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized hauler, but shall occur no less than once a week. More frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 5) The owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.

#### Community activities

- 1) The organizers or sponsors of a community activity must establish a system for source-separation, collection, transportation, and recycling of aluminum containers, cardboard, plastics, newspapers, glass, mixed paper, and leaf waste. Arrangements for the source-separation and collection of these materials shall be the responsibility of the organizers or sponsors.
- 2) The organizers or sponsors of a community activity must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated. Community activity organizers and sponsors must provide signage and/or labels on recycling containers to indicate what recyclable materials are to be source-separated by event participants.
- 3) Organizers or sponsors must contract with an authorized hauler for the collection of recyclable materials.
- 4) Organizers or sponsors of a community activity must provide a written report to the Township that lists the name of the community activity, authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the

name and affiliation of the person submitting the report. Reports are to be submitted to the Township no later than 30 days upon the conclusion of the event.

### **Leaf waste**

- 1) It is prohibited and will be deemed a violation hereof for any person in the Township to put or cause to put leaf waste with municipal waste. Leaf waste shall be source-separated from municipal waste generated on any property and stored in recycling containers until collection.
- 2) Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
- 3) All persons in the Township shall arrange to have leaf waste collected curbside or similar location by an authorized hauler separate from municipal waste and recyclable materials at a frequency of no less than once per month.
- 4) The owner, landlord, or agent of an owner or landlord of a multi-family residential, commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting leaf waste, the total quantity of leaf waste collected, the name of the facility authorized by the State to receive collected leaf waste, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.

### **Prohibited acts.**

- 1) Collection by unauthorized persons - From the time of recyclable material placement at the curb or other designated location, it shall be a violation of this article for any person unauthorized by the Township to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
- 2) Burning of recyclable materials - The burning of recyclable materials and leaf waste shall be prohibited at all times in the Township.
- 3) Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit recyclable materials, leaf waste, municipal waste, or any other refuse on any private or public property or grounds in the Township.
- 4) Overfilling containers – Containers of recyclable materials, leaf waste, municipal waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.

- 5) Storing/stockpiling materials – All persons in the Township are prohibited from storing, processing, or disposing of recyclable material on a property except at a facility or in preparation for the collection by an authorized hauler as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
- 6) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Supervisors pursuant to this article.

**Ownership of recyclable materials.**

Nothing in this article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of recyclable materials by the persons who generated them unless and until separated materials are placed at curbside or similar location and collected by an authorized hauler.

**Violations and penalties.**

- 1) Penalties. Any person who violates any provision of this article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this article shall, upon conviction thereof in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$250. Each continuing day of any violation of this article or unlawful conduct as defined in this article shall constitute a separate offense punishable by a like fine or penalty.
- 2) Injunction. In addition to any other remedy provided in this article, Willistown Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this article for an injunction to restrain a violation of this article or any rules, regulations or resolution promulgated or issued by the Township Board of Supervisors pursuant to this article.
- 3) Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent Willistown Township from exercising any other remedy provided by this article or otherwise provided at law or equity.

**Construal.**

The terms and provisions of this article are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Act 101, the Solid Waste Management Act, Act of July 7, 1980, P.L, 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., and the rules and regulations adopted thereunder.

ARTICLE III  
**Municipal Waste and Recyclable Material Collection Requirements**

**Title**

This article shall be known and may be cited as the “Willistown Township Municipal Waste and Recyclable Material Collection Ordinance.”

**Definitions**

Act 101 – The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Authorized Hauler - Person registered and authorized by Willistown Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Willistown Township.

Chester County Waste Management Plan - The Chester County Act 101, Municipal Waste Management Plan, adopted by the Chester County Board of Commissioners on September 25, 1990, and approved by the Pennsylvania Department of Environmental Resources, and which may be amended from time to time.

Commercial Establishment – A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

Disposal Facility - A State-permitted facility which processes or acts upon municipal waste, recyclable materials, and/or leaf waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility, or a sanitary landfill.

Institutional Establishment – Of or pertaining to any establishment engaged in service to persons, but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

Leaf Waste - Leaves, garden residues, tree limbs and similar materials, but not including grass clippings.

Municipal Establishment - Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Willistown, any counties, cities, townships, and municipal authorities.

Municipal Waste - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material resulting from the operations 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 of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., 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.

Municipal Waste Container – A container designated by the property owner or resident for the storage of municipal waste. A container may be provided by the property owner, resident or tenant, or the authorized hauler collecting municipal waste. A container must be durable, watertight, and be at least 30-gallons in size.

Person - Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article 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 any other legal entity having officers and directors.

Recyclable Materials - Materials designated as recyclable in this article or by Township resolution for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum containers, bi-metal cans, corrugated paper, glass, leaf waste, magazines, mixed paper, newsprint, office paper, and plastic.

Recycling Container – A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the property owner, resident or tenant, or the authorized hauler collecting recyclable materials. A container must be durable, watertight, and be at least 30-gallons in size with a label indicating the container is for recyclable materials.

Resident - Any person which owns, leases or occupies a property located in Willistown Township used as a residence.

Source-Separation - The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

Township - The governmental jurisdiction and legal entity of Willistown Township, Chester County, Pennsylvania.

Waste Flow Control Ordinance – An ordinance by the Chester County Board of Commissioners pursuant to Chester County Act 101, Municipal Waste Management Plan, which provides inter alia for regulation of the flow of any municipal waste generated within the County.

**Hauler registration required.**

It shall be unlawful for any person to collect, remove and/or transport municipal waste, recyclable materials, and/or leaf waste within Willistown Township without first registering with

the Willistown Township Manager. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Township and transport leaf waste generated from their services off the property where the materials were generated. Exceptions are made for residents who directly deliver (self-haul) their municipal waste, recyclable materials and/or leaf waste to a disposal facility.

**Hauler registration and approval requirements.**

All persons wishing to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste within the Township must annually register and receive authorization from the Willistown Township Manager to provide collection, removal, and transportation services to residential, commercial, institutional, and municipal establishments. Authorized haulers may collect, remove or transport municipal waste, recyclable materials, and/or leaf waste within the Township from the date of authorization until December 31 of the same calendar year, only so long as the authorized hauler is in full compliance with the requirements of this article, and any regulations enacted pursuant thereto. Authorized haulers must renew their registration with the Township no later than January 31 of each year in order to continue collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Township for the subsequent year. Any person whose registration is received and approved by the Willistown Township Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of Willistown Township. Hauler authorizations are not transferable.

At the time of registration, the person shall provide the following information on a form prepared by the Township. Upon receipt and review of the following information, the Township will issue an authorization letter to persons who have satisfied all the requirements of the Township's registration program.

- 1) The business name of the person, name of a contact person, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township who will be serviced by the person.
- 2) The make, model, year, and registration number of each truck or vehicle used by the person in Willistown Township to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste.
- 3) A certificate of the person's workmen's compensation insurance, as required by law.
- 4) A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and person's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Township by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to Willistown Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or

policies or the terms thereof. The above-mentioned written notice shall be mailed to Willistown Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.

- 5) Persons shall provide the Township with its current rate schedule, its intended areas of operation in the Township, by street, the terms of service, and the scheduled days of collection in different areas of the Township.
- 6) The name of the disposal facility, in compliance with the Chester County Waste Management Plan and Waste Flow Control Ordinance, where municipal waste will be taken for disposal.
- 7) The processing and/or marketing facilities where the recyclable materials will be taken.
- 8) The state-permitted composting site where leaf waste will be taken for composting.
- 9) Quarterly reports containing the quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments in the Township if the person collected municipal waste, recyclable materials, and leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type.
- 10) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.

**Conditions of registration approval.**

As a condition to the approval of an authorized hauler's registration, the authorized hauler shall comply with the following:

- 1) Services Required - Provide separate collection, removal, and transportation services for municipal waste, recyclable materials, and leaf waste from persons in the Township with whom the authorized hauler provides services.
- 2) Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection, removal, and transportation of municipal waste, recyclable material, and/or leaf waste shall be of the closed metal-body-type. The equipment and vehicles shall be at all times in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquids or fluids.
- 3) Establish Preparation Procedures. Authorized haulers must establish procedures for the separation, storage, and collection of municipal waste, recyclable materials, and leaf waste. The Township and persons serviced must be given adequate notification of these instructions.

- 4) Notification of Violations. Authorized haulers shall notify persons they service if violations to this article and the Willistown Township Recycling Ordinance are observed. Notifications shall be on a form provided by the Township. Authorized collector shall provide the Township with a list of the addresses or names of customers receiving a notification at the end of each collection day.
- 5) Authorization to provide services. At all times while in the process of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Township, a copy of the current, unexpired authorized hauler's registration and approval issued by the Township shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Township Code Enforcement Officer or his/her designee or to any police officer of the Township.

**Refusal to grant registration approval; suspension; revocation.**

- 1) The Willistown Township Manager shall have the right to refuse to approve or authorize a registration to any authorized hauler or person or to revoke or suspend previously approved registration or refuse to renew the same if said person or authorized hauler submits incomplete or false information to the Township or fails to comply with the Township's hauler registration requirements, any provision of this ordinance or any regulation adopted hereunder, Act 101, the Chester County Waste Management Plan or Waste Flow Control Ordinance, or any other applicable federal, state, or local regulations.
- 2) Refusal to grant registration authorization or suspension or revocation of an authorized hauler's registration shall be made in writing by the Willistown Township Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration and provide a limited opportunity for the hauler to satisfy the requirements or issues identified.

**Prohibited acts.**

It shall be unlawful and a violation of this article for any authorized hauler to:

- 1) Collect or transport municipal waste from persons failing to source-separate recyclable materials and leaf waste from municipal waste.
- 2) Commingle or mix source-separated recyclable materials or leaf waste collected in the Township with municipal waste.
- 3) Fail to provide for the proper disposal of any municipal waste collected or transported within the Township at a disposal facility in accordance with the Chester County Act 101, Waste Management Plan, and the Waste Flow Control Ordinance.

- 4) Fail to recycle recyclable materials and leaf waste in accordance with this article and other Township ordinances and federal and state laws and regulations.
- 5) Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Township prior to 6:00 a.m. or after 8:00 p.m.
- 6) Load or operate any vehicle within the Township or transport municipal waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow municipal waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 7) Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.
- 8) Otherwise create a public nuisance.

**Rules for collection.**

The collection of municipal waste, recyclable materials, and/or leaf waste by authorized haulers shall be made in compliance with this ordinance or any other regulations adopted by the Board of Supervisors of Willistown Township to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

**Contracting collection services**

The Township or its designated agent may enter into one or more agreements at any time with authorized haulers for the collection of municipal waste, recyclable materials, and/or leaf waste from residential, commercial, institutional, and/or municipal establishments. Procuring collection services by an authorized hauler shall be completed using a public bid process that will permit authorized hauler(s) to exclusively collect all or part of the municipal waste, recyclable materials, and/or leaf waste generated in the Township.

**§ 87-23. Violations and penalties.**

- 1) Penalties. Any person who violates any provision of this article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this article shall, upon conviction thereof in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$250. Each continuing day of any violation of this article or unlawful conduct as defined in this article shall constitute a separate offense punishable by a like fine or penalty.
- 2) Injunction. In addition to any other remedy provided in this article, Willistown Township may institute a suit in equity where unlawful conduct or a public nuisance exists as

defined in this article for an injunction to restrain a violation of this article or any rules, regulations or resolution promulgated or issued by the Board of Supervisors pursuant to this article.

- 3) Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the township from exercising any other remedy provided by this article or otherwise provided at law or equity.
- 4) Authorized collectors who shall violate any provision of this article may be reported to the Pennsylvania Department of Environmental Protection by the Township, and may be subject to the revocation of the commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq.

**Construal.**

The terms and provisions of this article are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste § 285.201-219.

ARTICLE IV  
**Dumpsters and Storage Containers**

**§ 87-41. Title.**

This article shall be known and referred to as the "Willistown Township Dumpster and Storage Container Ordinance."

**§ 87-42. Definitions.**

Unless otherwise expressly stated, the following terms, whenever used within this article, specifically, shall be deemed to mean the following:

Act 97 — The Pennsylvania Solid Waste Management Act of 1980, P.L. 380, No. 97, as now or hereafter amended.

Construction/Demolition Waste — Solid waste resulting from the construction, demolition or renovation of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. This term, notwithstanding the definition of refuse as set forth below, shall also include for purposes of this article uncontaminated soil, rock, stone, gravel, brick and block, concrete, used asphalt, waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

Dumpster — Any nonmotorized portable container owned, rented or leased, or used for the purpose of storing, containing and/or carrying of refuse whether or not containing wheels for movement, that has the ability to store more than eight cubic yards of refuse. This article does not intend to regulate garbage containers used, in the normal course, at a private premise and left for ordinary removal by a hauler or private collector.

Enforcement Official — Shall include the Willistown Township Police Department, Willistown Township Code Enforcement Official or the Director of Public Works.

Garbage — All table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

Hauler or Private Collector – Any person licensed and insured by the appropriate governmental agencies to collect, transport and dispose of garbage and/or refuse.

Hazardous Waste — Any garbage, refuse or a combination thereof, as defined in Act 97, which, because of its quantity, concentration, or its 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 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.

Person — Any individual, firm, partnership, association, corporation, institution, cooperative enterprise, trust, municipality, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include officers and directors of any corporation or any other legal entity having officers and directors.

Private Premises — Any dwelling, house, building, structure or vacant lot designated or used, either wholly or in part, for the private residential purpose or place of business, whether inhabited, occupied or temporarily or continuously uninhabited or vacant and shall include yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public Property — Any property or structure owned, leased, or controlled by Willistown Township, the County of Chester, or the Commonwealth of Pennsylvania.

Refuse — A general term meaning all matter and material which is discarded, including garbage, noncombustible waste and any municipal waste materials, as defined in Act 97, including but not limited to construction/demolition waste (as defined in this article). Notwithstanding anything to the contrary as may be contained in this article or Act 97, the term "refuse" shall not include garbage as it is defined in this article. "Refuse" shall not include recyclable materials as defined in Article II, Willistown Township Recycling Ordinance, Chapter 87, of the Code of the Township of Willistown.

Storage Container — Any nonmotorized portable container owned, rented or leased for the purpose of storing, containing and/or carrying of commercial, industrial, or residential goods that does not contain a foundation.

Township — Willistown Township

#### **§ 87-43. Permit.**

No person, other than agents or employees of the Township, shall place, maintain or use a dumpster or storage container, on public property, including public thoroughfares, without first having obtained a permit from the Township to do so.

#### **§ 87-44. Responsibilities of permit holder.**

The person to whom the permit is issued pursuant to § 87-42, above, and § 87-45, below, shall be responsible for the following:

- 1) The dumpster or storage container shall have proper reflectors placed conspicuously upon it, with flashing signal lights, or the person shall place illuminated barricades or other sufficient reflectors as required by the enforcement official in order to ensure the safety of pedestrian and/or vehicle traffic. Each dumpster or storage container shall have reflectors placed both on the front and rear surfaces for night safety in such a manner as to indicate the height and width of it, with visibility of 500 feet by automobile headlights.

- 2) There shall be no defect or faulty design in the dumpster or storage container, which might create a hazard to the general public, interfere with its operation or inhibit the purpose for which it is to be used.
- 3) The placement of the dumpster or storage container shall not block the flow of vehicular traffic or pedestrian traffic. When any dumpster or storage container having a capacity of 10 cubic yards or more is used, the person shall provide adequate protection to the roadway and any adjacent surfaces as determined by the enforcement official.
- 4) The dumpster or storage container shall not be placed within 15 feet of any fire hydrant.
- 5) During all times when the dumpster or storage container is in place and in use, a tarpaulin or other suitable weather-resistant cover shall be placed over it in order to protect the contents from being displaced and/ or causing litter on public property or a private premises or creating dust, offensive odors or other health hazards. In all instances, the container shall, when necessary, be provided with adequate restraints to prevent inadvertent movement from its original location. The need for restraints shall be determined by the enforcement official at the time the permit is issued.
- 6) The dumpster or storage container shall be conspicuously marked with the name, address and phone number of its owner, and a copy of the current effective permit shall be visibly attached to it.
- 7) No overflow of any material shall be permitted from the dumpster or storage container, nor shall any accumulation of any material next to a dumpster or storage container be permitted.
- 8) Without limiting anything above, no dumpster or storage container shall be placed in any location which would result in a prohibited obstruction of traffic or rights-of-way under any otherwise applicable provision of the Township Code or of the Pennsylvania Motor Vehicle Code.
- 9) Hazardous waste and garbage shall not be stored in a dumpster or storage container.

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**§ 87-45. Placement on private property.**

This article shall not be construed to prohibit the placement of a dumpster or storage container on private premises when such placement would not otherwise violate provisions of the ordinances of the Township, so long as the following conditions are met:

- 1) A dumpster or storage container located on a private premises shall not be placed on the front lawn or front yard of the property (as defined by the Willistown Township Zoning Ordinance<sup>19</sup>), except by issuance of a permit by the enforcement official pursuant to § 87-34 herein; and
- 2) Placement of any dumpster or storage container in a rear or side yard shall be placed in such a manner as to not constitute a public nuisance or to interfere with any adjoining landowner's usual or customary use of their property.

**§ 87-46. Application for permit; issuance of permit; terms of permit.**

All permits required by this article shall be issued by the Township's Code Enforcement Official, following written application by any owner or lessor of a dumpster or storage container (hereinafter, "applicant"). This application shall be on a form provided by the Township. Before the issuance of the permit, the Code Enforcement Official may consult with the Willistown

Township Police Department or Public Works Department to determine whether the proposed use and location of the dumpster or storage container will not constitute a traffic and/or public safety hazard. The following requirements shall apply to all permits issued pursuant to this article:

- 1) The permit application is considered complete when all required information is provided on the permit application.
- 2) The permit must be issued prior to the placement of the dumpster or storage container by the applicant.
- 3) All permits issued under this article shall be valid for a period of 10 working days from the date of placement of the dumpster or similar container, as stated in the application. If it becomes necessary to amend the date of placement of the dumpster or similar container, the applicant shall so notify the Township Code Enforcement Official and the 10 days will begin with the actual placement of the dumpster or similar container.
- 4) An applicant may apply for an extension of the ten-working-days period, to be granted by the enforcement official in increments of 10 working days, if the enforcement official deems the extension necessary and reasonable. The applicant must apply for any extension at least three days before the expiration of the original permit.

**§ 87-47. Insurance.**

Each application for a permit for placement of a dumpster or similar container on public property shall be accompanied by a certificate of insurance in a form approved by the Township and issued by one or more insurance companies authorized to do business in the Commonwealth of Pennsylvania, certifying that said applicant is bound by a commercial general liability ("CGL") insurance on an occurrence basis covering claims of personal injury and property damage naming the applicant as a named insured. The CGL insurance shall have personal injury liability of not less than \$1,000,000 for each occurrence and a \$3,000,000 minimum aggregate amount. The CGL insurance shall also have property damage liability that provides for not less than \$1,000,000 for each occurrence and a \$3,000,000 minimum aggregate amount.

**§ 87-48. Permit fees.**

Each application under this article shall be accompanied by a fee of \$35, including any application for an extension of an already-issued permit. The applicant will also be charged a fee of \$10 per day, each day the dumpster or similar container is in use after the initial first ten day period.

**§ 87-49. Revocation of permit.**

Violation of any terms and conditions of this article by the applicant or the applicant's agents, employees or any contractors hired by the applicant, shall be reason for immediate revocation of the permit issued hereunder. The dumpster or storage container shall be removed immediately upon revocation. Such removal shall be in addition to the penalties described in § 87-49, below. If the applicant refuses to remove the dumpster or storage container within two days after the receipt of the revocation notice, in writing, by the enforcement official, the Township may cause the removal of the dumpster or storage container, and the applicant will be responsible for the costs of same in addition to the penalties described in § 87-49, below.

**§ 87-50. Violations and penalties.**

Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this article shall, in addition to any other penalties provided by law, upon conviction before the District Justice, be sentenced to a fine of not more than \$1,000 and the costs of prosecution thereof for each and every offense. Each continuing day of any violation of this article or unlawful conduct as defined in § 87-43 of this article, shall constitute a separate and distinct offense.

Appendix C  
Sample Recycling Ordinances

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Honey Brook Township Municipal Solid Waste Collection and  
Recycling Ordinance

**§ 16-101. Short Title. [Ord. 175-2014, 8/13/2014, § 210-101]**

This Part shall be known and may be cited as the "Honey Brook Township Municipal Solid Waste Collection and Recycling Ordinance."

**§ 16-102. Purpose. [Ord. 175-2014, 8/13/2014, § 210-102]**

This Part is intended to be an integral part of an overall system designed to facilitate mandatory recycling and ensure Township compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act of July 8, 1988 (P.L. 528, No. 101), ("Pennsylvania Act 101").

**§ 16-103. Definitions. [Ord. 175-2014, 8/13/2014, § 210-103]**

As used in this Part the following terms shall have the meaning indicated.

AUTHORITY — Chester County Solid Waste Authority.

BOARD — The Board of Supervisors of Honey Brook Township.

BULK WASTE — All waste materials too large for collection in ordinary containers. Examples of bulk waste include: furniture, appliances, carpeting and similar items. Bulk waste shall not consist of any items that may be packaged and disposed of using regular trash collection procedures.

CANS — Aluminum cans (i.e., soda), tin (steel) cans, bimetal; all food cans (i.e., vegetables, fruit, pet food, juice, coffee, etc., including large economy size), aluminum pie tins and foil; all items must be rinsed and cleared.

COMMERCIAL — Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. Multi-family dwellings, town homes, mobile home parks, hotels, motels, mixed-use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. Does not include properties where primary permitted use is residential and accessory use is commercial (i.e., home occupations). Multiple dwelling residential buildings, including residential units over store front commercial business, containing more than four dwelling units, shall be treated as commercial properties.

COMMUNITY ACTIVITIES — Church, school, civic, service group, municipal functions, and all other such functions conducted within

Honey Brook Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 25 or more individuals per day.

COMPOSTING — A process involving the microbial decomposition of organic matter.

CORRUGATED PAPER — Structural paper material with an inner core shaped in rigid parallel furrows and ridges (i.e., cardboard).

CURBSIDE RECYCLING COLLECTION — The scheduled collection and transportation of recyclable materials placed at the curb-line or other area designated by the collector.

CUSTOMER — The owner of any residential, commercial, industrial, or institutional property located within the Township.

DISPOSAL FACILITY — A facility which processes or acts upon solid waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility or a sanitary landfill.

DROPOFF SITES — Those specified locations, staffed or unstaffed, where recyclable materials may be taken at specified times.

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.

ENFORCEMENT OFFICER — The official designated herein or otherwise charged with the responsibilities of administering this Part, or the official authorized representative.

FARM USE — Any number of continuous lots comprising, in the aggregate, five or more acres under common control by way of ownership or lease, used in whole or in part for agricultural purposes including, without limitation, the growing of crops or the keeping of farm animals, including without limitation, cattle, horses, goats, sheep, alpacas, or maintained in anticipation of farm use as set forth herein.

GLASS CONTAINERS — Bottles and jars made of clear or colored glass. Expressly excluded are non-container glass, mirrors, automobile glass, dishware, plate glass, crystal, light bulbs and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER — All white paper, bond paper, and computer paper used in commercial, industrial, institutional and municipal establishments.

**INDUSTRIAL** — Any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants and refineries.

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

**LEAD ACID BATTERIES** — Includes, but not be limited to, automotive, truck and industrial batteries that contain lead.

**LEAF WASTE** — Leaves from trees, bushes, and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

**MAGAZINES AND CATALOGS** — Glossy publications including catalogs.

**MUNICIPAL SOLID WASTE** — Any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial, 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 from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facilities (Pennsylvania Act 101, § 103), but excluding human body waste, debris from household renovations, whether interior or exterior, dirt, rock, lead pipes, leaf waste, hazardous wastes, and recyclable items as defined herein.

**MUNICIPAL WASTE COLLECTOR** — Any person registered in Honey Brook Township collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Honey Brook Township, and any business or institution within Honey Brook Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection or transportation of municipal waste or recyclable materials. Municipal waste collectors must be registered by Honey Brook Township and authorized by the State of Pennsylvania.

**NEWSPAPER** — All 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 including glossy inserts. Expressly excluded is junk mail included with newspapers.

**PERSON** — An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal

government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTIC — Bottle and jar containers only (i.e., milk, water, soda, detergent, shampoo). Rinse and crush. Excluded are motor oil bottles, flowers, pens, plastic wrap and Styrofoam.

RECYCLABLE MATERIALS — Source-separated recyclable materials, including materials listed in § 1501 of Act 101 and materials identified by the Township to be recycled. Such materials may include, but not be limited to: corrugated cardboard, aluminum products, hi-metal, glass, and plastic containers, newspapers, paper, magazines and periodicals and leaf waste. The Township reserves the right to periodically update the list of materials defined as recyclable.

RESIDENTIAL — See "dwelling unit."

SOURCE SEPARATION — The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

TOWNSHIP — The governmental jurisdiction and legal entity of the Township of Honey Brook, County of Chester, Pennsylvania.

**§ 16-201. Municipal Solid Waste Collection and Disposal.  
[Ord. 175-2014, 8/13/2014, § 210-201]**

1. All municipal solid waste generated by persons throughout the Township shall be collected by a state-authorized municipal waste collector.
2. Residents may be required to provide proof of a contract with a registered hauler or proof of proper self-disposal at a state permitted disposal facility.
3. Collection of municipal solid waste and recyclable materials shall be made by the municipal waste collector at a minimum of once per week or at such frequency as shall be set forth in rules and regulations adopted hereunder.
4. Owners, landlords or residents of multi-family residential dwellings with two or more units including, but not limited to, rental townhouses, condominiums and apartments, shall comply with their responsibilities under this Part by establishing a common system for the collection of municipal solid waste and recyclable materials for all residents of such property by a municipal waste collector.

5. Containers for municipal solid waste, recyclable materials, bulk waste and yard waste set out for collection shall be placed at the street curb or at the end of the driveway of the property from which collected, but in no case within the paved cartway of the street. It is the responsibility of the individual residents to place their containers at curbside in time for collection by the municipal waste collector. Containers shall not be placed in a location which obstructs a public sidewalk or which impedes clear vision for motorists traveling on the adjacent street or at intersections. Containers shall be taken inside or removed from the curbside no later than 12:00 midnight of the collection day.
6. Bulk containers (such as dumpsters) shall not be permitted to overflow or to have municipal waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Part by the person on whose property the bulk container is located, if it is located on private property.
7. Nothing herein shall limit the right of the Township to implement public collection of municipal waste or recyclables wither by entering into contracts or by engaging in any collection practice permitted by law.
8. Nothing in this section shall modify the requirements in this Part pertaining to separation and disposal of recyclables. Nothing in this section shall impair the ability of the Township to provide a system of placement for removal and public collection of leaf waste, or for Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

**§ 16-202. Unlawful Disposition of Municipal Solid Waste.  
[Ord. 175-2014, 8/13/2014, § 210-202]**

It shall be unlawful for any person to bring any municipal solid waste into the Township or to transport municipal solid waste from one address to another within or outside of the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.

**§ 16-203. Bulk Waste. [Ord. 175-2014, 8/13/2014, § 210-203]**

Bulk waste may be collected by the municipal waste collector separately from municipal solid waste or by a legitimate salvage dealer that is in the business of disposing or recycling such items.

Disposal of bulk waste shall be in accordance with the Chester County Solid Waste Management Plan at a state permitted disposal facility.

**§ 16-204. Hazardous Waste, Batteries, and Electronic Waste. [Ord. 175-2014, 8/13/2014, § 210-204]**

1. It shall be unlawful for any person to place hazardous or residual waste, as defined in Act 101, in mixed municipal solid waste, discard, or otherwise dispose of hazardous or residual waste except by disposition in compliance with applicable state and federal laws and regulations.
2. It shall be unlawful for any person to place a used lead acid battery in mixed municipal solid waste, discard, or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this commonwealth.
3. In accordance with Act 108, no person or company may dispose of a covered device or any of its components with their municipal solid waste. This type of waste requires special collection and disposal arrangements. Information may be obtained from the County covered devices include:
  - A. Desktop computers, laptop computers, computer monitors, CPUs.
  - B. Computer peripherals (keyboards, mouse, printers, scanners and faxes.)
  - C. Cables, battery backups.
  - D. Radios and speakers.
  - E. Televisions and television screens.
4. Companies recycling electronics in Pennsylvania must have R2 or similar certification that assures the public that any information contained in recycled devices is protected until the time the device is destroyed, and the human health and the environment are protected at all steps during the recycling process, whether the recycling occurs in the United States or abroad.

**§ 16-301. Separation of Recyclable Materials. [Ord. 175-2014, 8/13/2014, § 210-301]**

1. There is hereby established a program for the mandatory source-separation and collection of recyclable materials from municipal waste, as set forth herein, from residential, commercial, institutional, and municipal premises within the Township. The occupant or owner of a home, apartment, or other residential establishment shall separate recyclable materials and leaf waste from other municipal solid waste. In addition, commercial, institutional and municipal establishments and community events shall separate the materials described in this section.
2. Items to be recycled by dwelling units and mobile home parks include, at a minimum:
  - A. Glass containers.
  - B. Cans.
  - C. Plastics: No. 1 to No. 5 and No. 7.
  - D. Paper: newspaper, books, catalogs, magazines, junk mail, paper, envelopes.
  - E. Cardboard boxes and containers.
3. Items to be recycled by commercial, industrial, institutional, municipal, and community activities include at a minimum:
  - A. Glass containers.
  - B. Cans.
  - C. Plastics: No. 1 to No. 5 and No. 7.
  - D. Paper: newspaper, books, catalogs, magazines, junk mail, paper, envelopes.
  - E. Cardboard boxes and containers.
  - F. High-grade office paper.
  - G. Corrugated cardboard.

**§ 16-302. Residential Collection. [Ord. 175-2014, 8/13/2014, § 210-302]**

Collection of recyclable materials shall be made by a registered municipal waste collector at a minimum of once per week. When placed at the curb for collection in accordance with the provisions of this Part, recyclable materials shall be placed in separate, reusable containers, which clearly identify the contents as recyclables. No

person shall place municipal solid waste in containers designated for the separation and collection of recyclables. No person shall place recyclable materials in containers used for the separation and collection of municipal solid waste.

**§ 16-303. Multi-Family Residential Collection. [Ord. 175-2014, 8/13/2014, § 210-303]**

An owner, landlord or agent of an owner or landlord of a multi-family residential dwelling unit with two or more units, or the residents of multi-family residential dwelling units acting by and through a duly constituted homeowners' association, shall comply with their responsibilities under this Part by establishing a collection system for recyclable materials at each property and pickup by a registered municipal waste collector. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants or residents concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with the requirements of this section shall not be liable for noncompliance of occupants of their buildings.

**§ 16-304. Commercial, Institutional and Municipal Recycling. [Ord. 175-2014, 8/13/2014, § 210-304]**

All persons occupying commercial, institutional and/or municipal establishments within the Township shall separate materials listed in § 16-301, generated at such establishments; store the materials until collected by a registered municipal waste collector; and annually provide written documentation to the Township of the types of materials and the total tons of materials recycled. Such documentation shall be provided to the Township within 30 days of the end of each calendar year.

**§ 16-305. Community Activities. [Ord. 175-2014, 8/13/2014, § 210-305]**

All community activities or events sponsored within the Township shall separate aluminum, glass, plastics, and corrugated cardboard; store materials until collected by a registered municipal waste collector; and provide written documentation to the Township of the type of materials and the total tons of materials recycled.

**§ 16-401. Separation of Leaf Waste. [Ord. 175-2014, 8/13/2014, § 210-401]**

There is hereby established a program for the mandatory source-separation and collection of leaf waste within Honey Brook Township. The occupant or owner of a home, apartment, or other residential establishment shall separate leaf waste from other municipal solid waste. Owners, landlords and agents of owners or landlords will be responsible for compliance with the collection of leaf waste in accordance with this Part. All persons occupying commercial, institutional and/or municipal establishments within the Township shall collect and separate leaf waste in accordance with this Part and store the leaf waste until collected and recycled.

**§ 16-402. Residential, Multi-Family Residential, Commercial, Institutional, and Municipal Collection. [Ord. 175-2014, 8/13/2014, § 210-402]**

1. All leaf waste shall be source-separated from municipal solid waste and recyclable materials. Leaf waste shall be collected by a municipal waste collector in accordance with a schedule established annually by the municipal waste collector, but no less than one collection in the Spring and no less than twice during the months of September through December. When the municipal waste collector has scheduled collection of leaf waste, leaf waste shall be placed in separate containers (can, box or bag) at the curb for collection. Leaf waste collected must be taken to a state permitted compost facility.
2. Residents have the option of disposing of leaf waste by composting and/or mulching, and therefore would not be required to comply with the provisions of this section if they choose to compost their leaf waste. Backyard compost should be managed as to not create a nuisance.
3. Residents have the option of disposing of leaf waste by self-hauling to a state approved compost facility, such as the Chester County Lanchester Landfill Composting Site, and therefore would not be required to contract a municipal waste collector for disposition of leaf waste.

**§ 16-403. Farm Use of Recyclable Material. [Ord. 175-2014, 8/13/2014, § 210-403]**

Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation on farm use property,

including use of newspaper (e.g., shredding for bedding for farm animals), composting and spreading of manure or other farm-produced agricultural wastes, as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules, regulations.

**§ 16-501. Prohibition of Outdoor Burning. [Ord. 175-2014, 8/13/2014, § 210-501]**

1. It shall be unlawful for any person to burn or cause to be burned outdoors for purposes of disposal any municipal waste, leaf waste, yard waste or recyclable materials that are required to be separated and collected pursuant to this Part.
2. Nothing contained herein shall prohibit a farmer from carrying out the normal and customary activities of his farming operations as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules, regulations. A farmer may not burn municipal waste, leaves, and recyclables generated at a residential dwelling unit located on farm use property, or generated at any other residential property.

**§ 16-502. Prohibition of Illegal Dumping. [Ord. 175-2014, 8/13/2014, § 210-502]**

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable material except at a facility or in preparation for collection by a permitted collector as provided herein. Notwithstanding the foregoing, yard waste may be composted.
2. An accumulation, dumping, or depositing of trash, garbage, ashes, rubbish, and/or other refuse on any private or public property or grounds within the Township is hereby prohibited.

**§ 16-601. Registration Program Established. [Ord. 175-2014, 8/13/2014, § 210-601]**

1. With the exception of those persons who directly deliver (self-haul) their municipal waste and/or recyclables, it shall be unlawful for any municipal waste collector to collect and/or transport municipal waste or recyclable materials from any other person's property within Honey Brook Township without having first registered with the Township and be duly authorized by the

Commonwealth of Pennsylvania. Any and each such collection in violation hereof from each location shall constitute a separate and distinct offense, punishable as hereinafter provided. The Township may decide at any time to enter into an exclusive contract for residential and/or commercial municipal solid waste collection or any part thereof.

2. All agreements for collection, transportation and disposition of municipal waste and recyclables shall be by private contract between the owner or occupant of the property where the waste is generated and the private hauler who is to collect such waste and/or recyclables.

**§ 16-602. Registration Requirements. [Ord. 175-2014, 8/13/2014, § 210-602]**

1. All municipal waste collectors shall be registered with the Township through an application process as outlined below.
2. As a condition of the registration, the municipal waste collector shall provide for the collection of municipal solid waste, bulk waste, recyclable materials, and leaf waste, including annual written reports to the Township of the materials collected. Such reports shall include separate tonnages of each type of recyclable material, including leaf waste, collected in the Township for the past calendar year. Residential and commercial tonnages shall be reported separately. Such reports shall be provided to the Township within 30 days of the end of the calendar year.
3. A registered municipal waste collector may collect or transport such municipal solid waste or other designated materials within the Township for one calendar year (January 1 through December 31). Each collector must renew the registration no later than January 30 of each calendar year. Any municipal waste collector that is registered shall have the privilege of collecting and transporting municipal solid waste, bulk waste, recyclables, and leaf waste, as defined herein, from within the Township, in strict conformance with this Part and any other applicable state, federal or local provision of law.
4. Contents of Application. At the time of application, the municipal waste collector shall provide the following information to the Township:
  - A. The name of the municipal waste collector, the name of a contact person, an e-mail address, the business address, fax, and telephone number of the business office and a twenty-

four-hour emergency telephone number to receive calls from persons in the Township who receive collection service.

- B. The dates of proposed leaf waste, solid waste, and recyclable material collection for residential and commercial clients.
- C. The annual written recycling report with collected material tonnages, as outlined in § 16-602, Subsection 2.
- D. A certificate of the municipal waste collector's workmen's compensation insurance, as required by law; naming the Township as additional insured.
- E. A certificate of insurance covering complete third-party public liability for bodily injury and property damage, municipal waste collector's protective insurance and automotive insurance with respect to personal injuries and property damage, or owner of the municipal waste collector if the owner is considered a separate entity. Such insurance shall be in amounts that shall be from time to time, set forth by the Board of Supervisors by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Part shall carry with it an endorsement to the effect that the insurance carrier will convey to the Township by certified mail, written notice of any modifications, alterations or cancellations of any such policy or policies of the term thereof. The above-mentioned written notice shall be mailed to the Township at least 10 days prior to the effective date of any such modifications, alteration or cancellation.
- F. The approved disposal site where municipal solid waste, bulk waste, and leaf waste will be taken, as provided in the Chester County Solid Waste Management Plan.
- G. The processing and/or marketing facility where the recyclable materials will be taken.
- H. Such other information as the Township, in furtherance of this Part, shall deem appropriate and necessary.

**§ 16-603. Collection Requirements. [Ord. 175-2014, 8/13/2014, § 210-603]**

1. Except as provided herein below, the municipal waste collector shall establish a program for the collection and transportation of municipal solid waste, bulk waste, recyclable materials, and leaf waste and shall at a minimum comply with the following:

- A. Establish procedures for the separation, storage and collection of recyclable materials and provide Township residents with adequate notification of all procedures.
- B. Provide for the collection of leaf waste in compliance with Part 4.
- C. Provide for the collection of bulk waste.
- D. Issue warning notices of violations to persons failing to comply with procedures for the separation, storage and collection of bulk waste, recyclable materials and leaf waste, and provide a copy of such warning to the Township.
- E. Provide annual written and certified documentation to the Township, within 30 days of the end of the calendar year, to provide the following:
  - (1) Total number of tons of designated materials that were collected and recycled.
  - (2) Separate totals for residential and commercial materials.
  - (3) The place of disposition of recycled materials.

**§ 16-604. Prohibitions. [Ord. 175-2014, 8/13/2014, § 210-604]**

- 1. It shall be unlawful and a violation of this Part for any municipal waste collector to:
  - A. Collect or transport any municipal solid waste, bulk waste, recyclable materials or leaf waste from any person failing to source-separate said materials in violation of this Part.
  - B. Commingle recyclables or leaf waste collected within the Township with municipal solid waste.
  - C. Fail to provide for the proper disposition of any municipal solid waste, bulk waste, recyclable materials or leaf waste collected or transported within the Township.
  - D. Commence the collection of municipal waste, bulk waste, recyclable materials or leaf waste for any property in the Township prior to 7:00 a.m. or after 8:00 p.m.
  - E. Load or operate any vehicle within the Township or transport municipal solid waste, bulk waste, recyclable materials or leaf waste within the Township in such a manner as to allow municipal solid waste, bulk waste, recyclable materials or leaf

waste to fall upon public roads or upon land abutting the public roads in the Township.

- F. Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off of the roadway.
- G. Fail to accurately report the residential and commercial tonnages of recyclable materials collected in the Township in accordance with this Part.
- H. Otherwise create a public nuisance.

**§ 16-701. Rules and Regulations. [Ord. 175-2014, 8/13/2014, § 210-701]**

The collection of municipal solid waste, bulk waste, recyclable materials or leaf waste by the designated municipal waste contractor, the preparation for collection of municipal solid waste, bulk waste, recyclable materials, or leaf waste by property owners and residents of the Township and the provision of reusable containers for the temporary collection and storage of waste or recyclables by the Township shall be made in compliance with any regulations which are adopted by the Board of Supervisors to carry out the intent and purpose of this Part. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this Part. Said rules and regulations may be amended, modified, or repealed by resolution of the Board of Supervisors.

**§ 16-801. Enforcement, Violations, and Penalties. [Ord. 175-2014, 8/13/2014, § 210-801]**

1. Any person who violates or permits the violation of any provision of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a district justice, shall pay a fine for each such violation in an amount not less than \$100 and not more than \$1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of each Part continues, or each section of this Part, which shall be found to have been violated shall constitute a separate offense. No judgment shall be imposed until the district justice imposes the date of determination of a violation. If the defendant neither pays nor timely appeals the judgment, the

Township may enforce the judgment pursuant to the applicable rules of civil procedure.

2. Private haulers who shall violate any provision of this Part may be reported to the DEP, by the Township, and may be subject to the revocation of the commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A. § 6201 et seq.

**Exeter Township Municipal Solid Waste Recycling Ordinance**

**§ 316-25. Short title; purpose; definitions.**

- A. Short title. This article shall be known as the "Exeter Township Municipal Solid Waste Recycling Ordinance."
- B. Purpose. The purpose of this article is to provide for the health, safety and welfare of the residents of the Township of Exeter by regulating the collection, storage, transportation, removal, dumping, deposit, disposal, and recycling of solid waste by:
- (1) Instituting a comprehensive solid waste management program.
  - (2) Establishing a mandatory recycling program pursuant to the requirements of Act 101 of the Pennsylvania General Assembly, 1988, and amendments thereto.
- C. Definitions. The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

ALUMINUM CANS — Clean, nonaerosol and empty all-aluminum beverage and food containers.

AUTHORIZED COLLECTOR — Person, firm, or corporation registered with the Township of Exeter to handle municipal waste and recyclables in accordance with the provisions of this article.

BULKY WASTE — Items of solid waste which due to their size, shape, or weight cannot be collected as a part of the normal weekly municipal waste collection and, therefore, require special handling. For example, large household appliances such as stoves and refrigerators, plumbing fixtures, furniture, large crates, tires, tools, machinery or parts thereof, and similar items in size shall be considered bulky waste.

COMMERCIAL ESTABLISHMENTS — Any establishment engaged in a nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

CONSTRUCTION AND DEMOLITION WASTE — Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plastic and brick, conduit, pipe, insulation, and other material that result from a construction, demolition, or remodeling process.

CORRUGATED CARDBOARD — Paper boxes constructed in a corrugated manner and used as containers for business and consumer applications.

DWELLING UNIT — Any room or group of rooms located within a building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating by one family.

EXCLUSIVE CONTRACT — An agreement entered into by the Township of Exeter with a private person or corporation for the collection and disposal of all municipal waste and/or recyclables within the Township of Exeter to the extent provided by this article and the agreement.

GLASS — Plain, uncolored; or colored glass bottles and jars. Expressly excluded from this definition of "glass" are blue glass, lead crystal, porcelain, ceramic products, and tempered or plate glass.

HAULER — Any person appropriately licensed by the Commonwealth of Pennsylvania.

INDUSTRIAL ESTABLISHMENTS — Any establishment engaging in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, and refineries.

INSTITUTIONAL ESTABLISHMENT — Any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

MULTIFAMILY ESTABLISHMENTS — Rental housing apartment buildings or apartment complexes which have two or more dwelling units and condominium associations and homeowners' associations of two or more dwelling units which are established and organized in such a manner that the association provides common services for the residents of the housing development. This definition shall also include apartment buildings and apartment complexes owned and operated by institutional establishments if the institutional establishment charges a rental fee for the dwelling units.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and any other material including solid waste, liquid, semisolid, or contained gaseous material resulting from the 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 from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facilities (Pennsylvania Act 101, Section 103).<sup>1</sup>

**NEWSPAPER** — Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and matters of public interest, excluding magazines.

**PERSON** — Any individual, person, owner or motor carrier, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PLASTIC BOTTLES** — Empty and clean consumer product containers made of polyethylene terephthalate (PET), polypropylene (PP), high-density polyethylene (HDPE), and low-density polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk, and other consumer food products, for household cleaning products, or for personal care products.

**RECYCLABLES/RECYCLABLE MATERIALS** — Those materials specified by the Township of Exeter for separation, collection, processing, recovery, or reuse as part of a recycling program.

**RECYCLING** — The program or system of separation, collection, processing, recovery, or reuse of recyclables.

**RESIDENTIAL MUNICIPAL WASTE** — Municipal solid waste, as herein defined, that is generated at a dwelling unit.

**RESIDENTIAL UNIT** — See "dwelling unit."

**RESIDUAL WASTE** — Any garbage, refuse, other discarded material, or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act."<sup>2</sup> The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law."<sup>3</sup>

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1. **Editor's Note: See 53 P.S. § 4000.103.**

2. **Editor's Note: See 52 P.S. § 30.51 et seq.**

3. **Editor's Note: See 35 P.S. § 691.1 et seq.**

**SOLID WASTE** — Any waste, including, but not limited to, municipal, residual or hazardous waste, including solid, liquid, semisolid, or contains gaseous materials (Pennsylvania Solid Waste Management Act 97, Section 103).<sup>4</sup>

**STEEL CANS** — Clean, nonaerosol, and empty all-steel (ferrous metal) or bimetal beverage and food containers.

**TOWNSHIP** — The government jurisdiction and legal entity of the Township of Exeter, Berks County, Pennsylvania.

**§ 316-26. Storage, handling, and disposal of municipal waste.**

- A. General. It shall be the duty of every owner of property and every person occupying a dwelling unit, premise, or place of business within the Township where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this article, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector and to insure the sanitary and legal disposal of such waste in accordance with this article and all other Township, state, and federal applicable laws and regulations.
- B. Storage on residential property.
- (1) Containers. All municipal waste accumulated by owners of residential property and/or the occupants of residential properties shall be placed in containers for collection by a licensed collector. The containers shall be durable and watertight and made of rust-resistant metal or plastic. The size of each container shall not exceed a thirty-five-gallon capacity unless bulk (dumpster type) containers are used. Containers for curbside recyclables will be as specified by the Township or as provided by the Township directly or through exclusive contract for collection of recyclables. Use of bulk containers at multifamily establishments shall comply with the provisions of Subsection C(1) below.
  - (2) Location of containers. Each municipal waste container and curbside recyclable container shall be placed for collection so as to be accessible to the collector at ground level and at a point immediately behind the curblines of the street, within no more than 10 feet of the cartway of the street or alley

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4. Editor's Note: See 35 P.S. § 6018.101 et seq.

from which the collection with a vehicle is made if there is no curbing, or at a location mutually agreeable between the resident, the Township, and the collector. The Township shall specify location for collection of uncontainerized recyclable material. Containers shall not be located within the cartway at any time. Location of bulk containers at multifamily establishments shall be in accordance with Subsection C(2) below.

C. Storage on commercial, institutional and industrial properties.

(1) Containers. Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers as required for residential properties except where the accumulation of solid waste for such commercial, institutional or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Special arrangements shall include the number and type of special bulk container(s) to be furnished by the collector as may be approved by the Township.

(2) Location of containers. Containers for the collection at commercial, institutional or industrial properties shall be located on the owner's or occupant's premises at a place agreed upon by the owner or occupant of the commercial, institutional or industrial property and the registered collector and shall not be unsatisfactory to the Township. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys, or entrances and exits of public or private buildings.

D. Removal by registered haulers. Every owner of property in Exeter Township shall contract with an individual, entity or firm which is a licensed, registered hauler by Exeter Township and the Commonwealth of Pennsylvania to have all municipal waste generated on the premises by any of the occupants of the premises removed and deposited at a Commonwealth of Pennsylvania designated disposal facility on a weekly basis or more often. **[Added 12-22-2008 by Ord. No. 671]**

E. Proof of contract required. Whenever requested by Exeter Township, the property owner shall present proof adequate in the judgment of the Township designee that said person has a current contract with a licensed hauler to dispose of municipal

waste generated on the premises on a weekly basis or more often. The property owner of the premises shall have 72 hours from the request to provide proof to the Township designee that he/she has a current contract with a licensed hauler to provide sufficient service to satisfy the terms and conditions of this article. **[Added 12-22-2008 by Ord. No. 671]**

- F. Opt out. A property owner may decide to transport his or her own municipal waste to a Commonwealth of Pennsylvania designated facility on a weekly basis or more often. Should a property owner decide to opt out under this subsection, the property owner shall retain proof/documentation from the Commonwealth of Pennsylvania designated disposal facility showing that property owner has made at least once weekly deposits of municipal waste. The required documentation shall be retained for at least two years. **[Added 12-22-2008 by Ord. No. 671]**
- G. Duties of licensed haulers. Any hauler picking up municipal waste in Exeter Township shall be required to advise the Township in writing within 72 hours after request from the Township as to whether an owner has a current contract for municipal waste disposal from his/her premises within Exeter Township. Furthermore, all licensed haulers shall cooperate with the Township designee in providing information in the event that an action is instituted to enforce the terms and conditions of this article. **[Added 12-22-2008 by Ord. No. 671]**
- H. Authorized collectors. It shall be unlawful for any person or corporation, other than persons or corporations registered with the Township or licensed by the Commonwealth of Pennsylvania, to collect and/or transport solid waste of any nature as a regular hauling business within or from the Township. If the Township decides to enter into an exclusive contract for the collection of residential municipal waste in the Township, said contractor shall be required to collect municipal waste in the Township exclusive of other private haulers and collectors subject to exceptions to the exclusive Township contract.
- I. Transportation of solid waste. Any person transporting solid waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste. The vehicles used to transport or convey solid waste shall be leakproof and enclosed to the extent necessary to ensure no loss or spilling of waste from the vehicles. Pickup trucks shall not be permitted to transport solid waste under any circumstance. The Township shall have the authority to inspect the vehicles used

for the transport of solid waste, as it deems necessary. A sticker for each registered vehicle shall be provided by the Township and displayed on both sides of the vehicle. The name and/or company logo of the owner of the vehicle shall also be displayed on both sides of the vehicle.

- J. Disposal of municipal waste. All municipal waste produced, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at a landfill or other disposal facility licensed or permitted by the Commonwealth of Pennsylvania Department of Environmental Protection or other state government. However, the Township reserves the right to designate a state permitted facility of its choice and require that all municipal waste generated in the Township be disposed of at this designated facility. If the Township designates a disposal facility as provided for above, all authorized collectors or collectors operating under contract with the Township for collection of municipal waste shall be informed by the Township of the location, regulations and other information pertaining to the designated disposal facility. The Township reserves the right to make inspections of authorized collectors to insure that waste generated-within the Township is being disposed of in an authorized or designated facility and to limit the use of a designated facility only to waste generated within the Township. Any authorized collector found to be in violation of this section shall be prohibited from collecting or hauling municipal waste in the Township.
- K. Unlawful deposition of municipal waste. It shall be unlawful for any person to deposit for collection any solid waste, including bulky items not generated at the address from which collection is made or to bring any solid waste into the Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.
- L. Bulky waste. Bulky waste which is not collected by the normal or weekly residential collection shall not be stored outside of a building or accessory building on any land in the Township, except for a period not exceeding 14 days pending the special handling for disposal of the bulky waste. However, brush, tree trimmings, yard clippings, leaves, grass, or other waste from live plants may be stored for longer period of time if necessary until the next scheduled collection for such items or for the purpose of composting or burning such materials in accordance with the Township ordinances, unless such storage violates other

ordinances or regulations of the Township. It shall be unlawful for any person to place bulky waste on any property other than on the property at which it was generated or directly associated with. Bulky waste shall be disposed of at a state permitted or licensed disposal facility, a facility especially designated by the Township to take such bulky items or a legitimate salvage dealer that is in the business of disposing or recycling such items.

M. Construction and demolition waste. All waste materials resulting from the building, structural alteration, repair, construction, or demolition of buildings or structures shall be disposed of as permitted by the regulations of the State Department of Environmental Protection or by pertinent ordinances or regulations of the Township. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations.

N. Exclusions.

(1) Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular or unscheduled basis to a state permitted disposal facility or to the disposal facility as designated by the Township in accordance with the regulations of the disposal facility.

(2) Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or the spreading of manure or other farm-produced agricultural waste, not otherwise prohibited or regulated for land application.

(3) The provisions of this article do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply; therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable state and federal laws and regulations.

### **§ 316-27. Service fees and billing.**

A. General. It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is produced and accumulated to pay a service fee for the collection

and disposal of this waste, except as otherwise provided by this article, to a registered hauler or to the Township.

- B. Charges to registered hauler. Service fees for registered haulers shall be negotiable between the haulers and resident unless the Township enters into an exclusive contract for services.
- C. Charges to be established by resolution. All service fees established under an exclusive contract for the collection of waste by the Township shall be established by a resolution of the Township Board of Supervisors. Service charges so established shall be reviewed at least annually and adjusted as necessary to insure that all costs involved in the collection and disposal of municipal waste under the exclusive contract, including the administrative costs of the Township, are covered by the service charge.

### **§ 316-28. Recyclables.**

- A. Introduction. The Township, recognizing the reclaiming of recyclable materials is an important method for addressing the growing solid waste disposal problem through conserving landfill space and that recycling conserves natural resources, reduces energy consumption and promotes the general interest, and to be in compliance with Pennsylvania Act 101, 1988, does hereby authorize and encourage collection, processing, storage, transportation, and recycling materials in accordance with the provisions of this article.
- B. General. Recyclables separated for the purpose of materials recovery rather than disposal and collected by the Township or its designated agent or contractor shall not be considered solid waste as defined under this article and shall not be subject to the provisions of this article which requires the disposal of waste at designated facilities unless such recyclables become unmarketable.
- C. Establishment of program. The Township hereby establishes a program for the mandatory separation of recyclables from solid waste by persons residing in single-family dwellings and multifamily establishments and by commercial, institutional and industrial establishments. Commercial, institutional, apartment complexes, and industrial establishments which utilize centralized collection (dumpster-type) containers shall not be part of the municipal waste recycling program developed by the Township. These commercial, institutional, apartment complexes,

and industrial establishments shall be required to conduct their own recycling program as described in Subsection G below.

D. Billing and payment.

- (1) It shall be the Township's responsibility to bill each residential unit in the Township on an annual basis the amount bid by the contractor. The Township may add a surcharge to the unit charge to cover the Township's administrative cost for managing the curbside recycling collection program and to cover any cost related to additional recycling services provided by the Township.
- (2) An additional charge, as bid by the contractor for special back door pickup for hardship cases, shall be added to the annual bill for the appropriate resident and billed and collected in the same manner as specified above.

E. Items to be recycled.

- (1) At residential units (including multifamily establishments):
  - (a) Newspapers.
  - (b) Glass.
  - (c) Aluminum and steel cans.
  - (d) Plastic bottles.
  - (e) Leaf waste.
- (2) At commercial, institutional and industrial establishments:
  - (a) Newspapers.
  - (b) High-grade office paper and corrugated paper.
  - (c) Aluminum and steel cans.
  - (d) Glass.
  - (e) Plastic bottles.
  - (f) Leaf waste.

F. Exclusions. Newspapers that are used for secondary purposes such as wrapping other waste or for cleaning which renders them unusable for recycling shall not be required to be recycled.

G. Plan to be filed and approved by the Township. Commercial, institutional and industrial establishments conducting their own

recycling program, not in conjunction with an agent of the Township for the collection of municipal waste and recyclables, shall file with the Township and have approved by the Township individual recycling programs which provide for, at minimum, the recycling of items listed in Subsection E(2) above. All persons owning, leasing, operating, managing, and/or otherwise controlling commercial, municipal, or institutional establishments, or community activities, shall collect the recyclables and arrange for the removal of such materials to a center for recyclable materials. Annual reports, in writing, of the number of tons of such material recycled shall be made to the Township by the 15th day of January of the following year. The owner and/or landlord of the agent of such owner and/or landlord of multifamily rental housing properties with centralized bulk (dumpster-type) containers shall comply with the requirements of this article by establishing a collection system for the recyclable materials listed in Subsection E(1) above at each such property. The collection system must include suitable containers for the collection and sorting of said recyclable materials; easily accessible locations for the containers, and written instructions to the occupants concerning the use of said collection system. The owner and/or landlord or the agent of such owner and/or landlord of multifamily rental housing properties not included in the collection system of the municipality shall establish a system for the collection of the aforelisted recyclable materials and arrange for the removal of such materials to a center for recyclable materials. Annual reports, in writing, of the number of tons of such material recycled shall be made to the Township by the 15th day of January of the following year.

- H. Establishment of regulations. The Township or its authorized agent shall establish and promulgate regulations on the manner, days, and time of collection of recyclable materials and for the bundling, handling, location, and time of placement of such materials for collection. Regulations shall be promulgated for each of the programs undertaken, including, but not limited to, the residential, multifamily, and commercial sources of recyclable materials.
- I. Separation of recyclables and placement of disposition. Recyclable materials shall be placed behind the curb or other designated area, separated from solid waste, for collection or taken to dropoff sites at such time, date, manner, and places as may be established or authorized by the Township.

- J. Collection by unauthorized person(s). From the time of placement of recyclable items at the curb or designated location or at a dropoff center as designated or authorized by the Township, the recyclable items shall become the property of the Township or its authorized agent or contractor. It shall be a violation of this article for any person unauthorized by the Township to collect, pick up or cause to be collected or picked up any such items. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
- K. Recycling vehicles. Vehicles used for the collection of recyclables from residential units shall be of a size and type that can be operated on the streets and alleys of the Township without getting off of the traveled portion of the roadway or doing damage to curbing, planted areas, or private property. Vehicles shall be designed to prevent loss of materials during collection or transport and shall be watertight. All vehicles used in the collection or transport of recyclables shall have noise-muffling devices which limit the noise of the vehicle to the current required manufacturer's standard. Any vehicle used in the collection and transport of recyclables from Exeter Township shall be subject to an annual registration program administered by the Township. Upon inspection and approval of vehicles, the Township shall issue a sticker, which shall be displayed on each side of the vehicle. Each vehicle shall also have displayed on both sides the name or company logo of its owner.
- L. Unlawful disposal of recyclables. Upon and after the effective date of this article, it shall be unlawful for any person or persons to dispose of any recyclable item as established in Subsection E above commingled with other solid waste not required to be recycled or to dispose of such items in other places that will not insure that items are recycled unless the material is so contaminated that it is unacceptable for recycling.

**§ 316-29. Hours of operation.**

Any person or hauler storing, handling, collecting, transporting or disposing of solid waste and/or recyclable materials shall operate within the boundaries of the Township of Exeter only between the hours of 7:00 a.m. and 6:00 p.m.

**§ 316-30. Violations and penalties; remedies.**

- A. Penalties. Any person violating any provisions of this article shall, upon conviction by a District Magistrate, be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Berks County Jail for a period of not more than 30 days. Every violator of the provisions of this article shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.
- B. Other remedies. In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of solid waste, and should said person fail to remove such solid waste after five days following written notice, the Township may cause the solid waste to be collected and disposed of, with the cost of such action to be charged to the owner or occupant of the property in a manner provided by law.