

WEST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 69

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE COLLECTION OF MUNICIPAL WASTE, RECYCLABLE MATERIALS AND LEAF WASTE FROM RESIDENTIAL PROPERTIES, FROM COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS, AND FROM COMMUNITY ACTIVITIES; AND THE REGISTRATION OF MUNICIPAL WASTE COLLECTORS.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Vincent Township as follows:

Section 1. TITLE. This Ordinance shall be known and may be cited as the West Vincent Township "Municipal Waste Collectors and Recycling Ordinance".

Section 2. DEFINITIONS. The following terms shall have the following meanings in this Ordinance:

"Community Activities" - events sponsored in whole or in part by West Vincent Township, or conducted within West Vincent Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will, as to any of the foregoing, be attended by two hundred (200) or more individuals per day.

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

"Municipal Waste" - any garbage, refuse, industrial lunchroom, or office waste and other material, including solid, liquid, semi-solid 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, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. subsection 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.

"Licensed Municipal Waste Collector" - any person collecting, removing, or transporting municipal waste and/or recyclable materials for owners or occupants of property in West Vincent Township, and any business or institution within West Vincent Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection, removal or transportation of municipal waste or recyclable materials. All Municipal Waste Collectors shall be registered pursuant to the provisions of this Ordinance.

"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 Ordinance 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" - those materials specified by West Vincent Township for collection in accordance with this Ordinance and recycling regulations which may be promulgated from time to time. Such materials may include, but shall not be limited to, aluminum cans, clear and colored glass containers, plastic milk and beverage containers, bi-metal or "tin" cans, newspapers, office paper, third class or "junk" mail, magazines and catalogs. The list of "recyclable materials" may be changed from time to time by resolution of the Board of Supervisors of West Vincent Township.

"Resident" - any person which owns, leases or occupies a property located in West Vincent 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.

Section 3. Registration of Municipal Waste Collectors.

A. Registration Required. It shall be unlawful for any municipal waste collector to collect, remove, and/or transport municipal waste or recyclable materials within West Vincent Township without first registering with the Board of Supervisors of West Vincent Township and maintaining full compliance with all conditions of said registration and all requirements of this Ordinance.

B. Application for Registration. All municipal waste collectors shall register to collect, remove, and/or transport municipal waste and/or recyclable materials within West Vincent Township on application to the Board of Supervisors. Said municipal waste collector may collect, remove, or transport municipal waste and/or recyclable materials within the Township for a period of one year from the date of issuance of the registration, or until January 31st of the next calendar year from the calendar year in which the registration is filed, whichever is earlier, only so long as the registered municipal waste collector is in full compliance with the requirements of this Ordinance and any regulations enacted pursuant thereto. Each registrant must renew the registration no later than January 31st of each calendar year. At the time of registration, the municipal waste collector shall provide the following information on a form provided by the Township:

(1). The name of the municipal waste collector, business address, and telephone number of the business office to receive calls from persons in the Township who receive collection service.

(2). The name, address, and telephone number of the officers of the corporation or general partners of the partnership, if applicable.

(3). The make, model, year, state vehicle registration number, and Chester County license number of each truck

or vehicle which is used in West Vincent Township to collect or transport municipal waste and/or recyclable materials.

(4). A copy of the current Chester County Municipal Waste Hauler License Certificate, as required by Chester County Ordinance 92-1, as amended.

(5). The name and location of the Chester County designated disposal site where municipal waste will be taken for disposal.

(6). The name and location of the processing and/or marketing facilities where the recyclable materials will be taken.

(7). Such other information as the Township, in furtherance of this Ordinance shall deem appropriate and necessary.

C. Registration Fee. At the time of registration, the municipal waste collector shall pay to the Township a sum as provided for in a schedule of fees as adopted from time to time by resolution of the Board of Supervisors.

Section 4. Collection of Recyclable Materials and Leaf Waste.

As a condition of registration and continued validity of such registration, the municipal waste collector shall establish and make available to all residents and customers in the Township a program for the collection, transportation, and recycling of recyclable materials and leaf waste. Such a program shall at a minimum comply with the following:

A. Provide as an option for the collection, removal and recyclable of designated recyclable materials, which are separated from municipal waste, from each residence, commercial, institutional and municipal establishment, and community activity served. The collection and removal of recyclable materials from each residence, commercial, institutional and municipal establishment shall be available at least once every other week in accordance with regulations adopted hereunder.

B. Provide each customer served and participating in the recycling program with a reusable container or containers for the storage and collection of recyclable materials. Said containers shall be at least 12 gallons in size, shall be made of durable plastic, and shall be clearly marked as recycling containers.

C. Provide as an option for residents, a program for the collection of leaf waste at a minimum of once in the spring and once per month in the fall, in accordance with regulations adopted hereunder, and, when requested, provide customers with biodegradable bags for the storage and collection of leaf waste.

D. Establish procedures for the separation, storage, and collection of recyclable materials and leaf waste, and provide all customers adequate written notification of the procedures.

E. To the extent that any resident of West Vincent Township includes leaf waste as part of the municipal waste to be

collected and transported off site for disposal, such leaf waste shall be separated from all other municipal waste generated at their property. If composting or other on-site disposal system is not desirable or available, residents may contract with a municipal waste collector to arrange for pick-up of leaf waste in biodegradable bags, reusable containers, or in bulk. Haulers shall be required to dispose of such leaf waste at a composting site.

F. Provide quarterly written documentation and certification to the Township of the total number of tons of materials, the types of materials, and the place of disposition of materials recycled. Reports shall be filed fifteen (15) days following the close of a calendar quarter.

Section 5. Prohibitions. It shall be unlawful and a violation of this Ordinance, and grounds for the suspension or revocation of a registration, or the denial of a registration renewal, for any municipal waste collector to:

A. Co-mingle or mix any municipal waste with any designated separated recyclable materials or leaf waste collected within the Township.

B. Fail to provide for the lawful disposition of any municipal waste, recyclable materials, or leaf waste collected or transported within the Township in accordance with all applicable federal, state, or county laws and regulations.

C. Fail to recycle recyclable materials in accordance with this Ordinance and federal and state laws and regulations.

D. Load or operate any vehicle within the Township or transport municipal waste, recyclable materials, or leaf waste within the Township in such a manner as to allow municipal waste, recyclable materials, or leaf waste to fall upon the public roads or upon land abutting the public roads in the Township.

E. Otherwise create a public nuisance.

Section 6. Conditions of Registration. As a condition of registration and continued validity of such registration, any municipal waste collector shall comply with the following:

A. Collection Equipment and Transportation Vehicles - The collection equipment and transportation vehicles used for the collection of municipal waste shall be of the closed metal body type with an automatic compactor unit. The said vehicle shall have and display a valid Pennsylvania vehicle registration sticker, and shall at all times be 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. Other type vehicles may be used only for the collection of recyclable materials, leaf waste, white goods, and Christmas trees provided such items are collected in accordance with other applicable provisions of this Ordinance and any other regulations adopted hereunder. The municipal waste and recyclables so collected shall be suitably separated

and enclosed or covered so as to prevent roadside littering, attraction of vermin, or creation of other nuisances.

B. Chester County Municipal Waste Hauler License Certificate

- Each municipal waste collector shall secure and maintain a valid Chester County Municipal Waste Hauler License Certificate; shall have a copy thereof within each vehicle being used for collection or transportation of municipal waste or recyclables; and shall exhibit the same on demand to the Zoning Officer or his/her designee, or to any police officer of the Township.

C. Exhibiting License - At all times while in the process of collecting, removing, or transporting municipal waste or recyclables in the Township, each municipal waste collector shall have and display in a proper manner a valid Chester County Municipal Waste Hauler License on each vehicle being used for collection or transportation.

D. Schedules and Areas of Operation - Each municipal waste collector shall advise the Township of its current rates schedule, its intended areas of operation in the Township by street locations, the terms of service, the scheduled days of collection in different areas of the Township, and any changes to the collection program.

E. Compliance - Registered municipal waste collectors shall at all times comply with the provisions of this Ordinance and the regulations adopted hereunder.

Section 7. Granting, Suspension, or Revocation of Registration.

The Board of Supervisors of West Vincent Township shall have the right to refuse to register any municipal waste collector, or to revoke or suspend a registration, or refuse to renew the same if said municipal waste collector, his or its agents, or employees fail to comply with any provision of: this Ordinance or any regulation adopted hereunder; or any provision of the Pennsylvania Solid Waste Management Act, the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act, and the regulations promulgated thereunder.

Section 8. Commercial, Institutional, and Municipal Recycling.

All persons occupying commercial, institutional, and municipal establishments within West Vincent Township shall: (1) separate and segregate from municipal waste high grade office paper, clear and colored glass, plastic milk and beverage containers, aluminum containers, bi-metal cans, corrugated paper, and such other materials as may be changed from time to time by resolution of the Board of Supervisors, generated at such establishments; (2) store the materials until collection for recycling by a registered municipal waste collector; (3) make arrangements to have a registered municipal waste collector collect and recycle the recyclable materials at a minimum of once every other week; and (4) annually provide written documentation and certification to West Vincent Township of the total number of tons of materials and the type of materials recycled. Such persons may comply with the reporting requirements hereunder by requiring their registered

municipal waste collector to provide said documentation and certification directly to the Township.

Section 9. Anti-Scavenging. From the time of collection of recyclable materials by a registered municipal waste collector pursuant to the provisions of this Ordinance and any rules and regulations adopted hereunder, the recyclable materials shall become and be the property of the registered municipal waste collector. It shall be a violation of this Ordinance for any person not duly authorized by West Vincent Township to collect, pick up, or cause to be collected or picked up any recyclable materials placed at the curb or other designated place for collection by a registered municipal waste collector pursuant to the provisions of this Ordinance. Any and each such unauthorized collection in violation hereof from one or more residences shall constitute a separate and distinct offense punishable as hereinafter provided in this Ordinance.

Section 10. Additional Rules and Regulations. The collection of municipal waste and recyclable materials by municipal waste collectors shall be made in compliance with this Ordinance and any additional regulations to be adopted by the Board of Supervisors to carry out the intent and purpose of this Ordinance. 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 Ordinance. The said rules and regulations may be amended, modified, or repealed by resolution of the Board of Supervisors.

Section 11. Enforcement.

A. Unlawful Activities: Public Nuisance. It shall be unlawful and a public nuisance for any person to violate, cause, or assist in a violation of this Ordinance, or violate, cause, or assist in the violation of any rule, regulation, or resolution promulgated by the Board of Supervisors pursuant to this Ordinance.

B. Penalties. Any person who violates any provision of this Ordinance or of the regulations adopted hereunder, or any person who engages in unlawful conduct as defined in this Ordinance, shall, upon conviction thereof in a summary proceeding before a district justice, be sentenced to pay a fine of not more than \$1,000.00, and not less than \$50.00. Each continuing day of any violation of this Ordinance or unlawful conduct as defined in this Ordinance shall constitute a separate offense punishable by a like fine or penalty.

C. Injunction. In addition to any other remedy provided in this Ordinance, West Vincent Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or any rules, regulations, or resolution promulgated or issued by the Board of Supervisors pursuant to this Ordinance.

D. Concurrent Remedies. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the

Township from exercising any other remedy provided by this Ordinance or otherwise provided by law or equity.

Section 12. Interpretation/Construction. The terms and provisions of this Ordinance are to be liberally construed, so as to best achieve and effectuate the goals and purposes hereof. This Ordinance 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. subsection 6018.101 et seq.; the Municipal Waste Planning Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, 53 P.S. subsection 4000.101 et seq.; and the rules and regulations adopted thereunder.

Section 13. Severability. If any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining parts of this Ordinance which shall continue to be fully operative as if the unconstitutional, illegal, or invalid part had not been enacted.

Section 14. Repealer. Any and all provisions of any other Ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

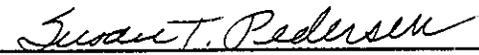
Section 15. Effective Date. This Ordinance shall be effective five (5) days from the date of enactment hereof.

Enacted and Ordained this 4th day of April, 1994 by the
Board of Supervisors of West Vincent Township.

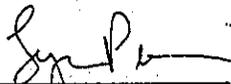
WEST VINCENT TOWNSHIP
BOARD OF SUPERVISORS



Kenneth Miller, Jr., Chairman

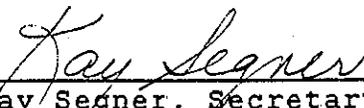


Susan T. Pedersen, Vice Chairperson



Lynn Perkins, Member

Attest:



Kay Segner, Secretary

(Seal)