

**EAST PIKELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 136**

**AN ORDINANCE AMENDING CHAPTER 20 OF THE CODIFIED ORDINANCE, PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF EAST PIKELAND TOWNSHIP BY REGULATING THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF MUNICIPAL SOLID WASTE, AND PROVIDING FOR THE REGISTRATION OF HAULERS AND PENALTIES FOR VIOLATION OF THIS ORDINANCE.**

**ARTICLE I  
General**

**Section 100: Short Title**

This Ordinance shall be known and may be cited as the “East Pikeland Township Municipal Solid Waste Collection and Recycling Ordinance”.

**Section 101: Purpose**

It is the intent and purpose of this Ordinance to promote the public health, safety and welfare, to outline the benefits of recycling and reduction of municipal solid waste, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all residential, commercial, industrial and institutional municipal solid waste accumulated or stored upon any property within the township shall be collected, transported, and disposed of within the following conditions:

- A. All municipal solid waste shall be collected and removed by a municipal waste collector who shall be registered with the Township;
- B. All developed properties shall be served by a registered municipal waste collector;  
and
- C. All municipal solid waste shall be disposed of at a facility approved by the Township in accordance with state, federal and county laws and ordinances.

These conditions are established to 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”).

**Section 102: Definitions**

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

ACT 101: The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 18, 1988.

ALUMINUM CANS: Empty 100% aluminum beverage and food containers.

**BI-METAL CONTAINERS:** Empty food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

**BOARD:** The Board of Supervisors of East Pikeland 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.

**CLEAR GLASS:** Empty bottles, jars, food or beverage containers made of clear transparent glass. Expressly excluded are non-container glass, plate glass, blue, green or brown glass, porcelain and ceramic products.

**COLORED GLASS:** Empty bottles, jars, food beverage containers made of green, brown or other colored glass.

**COMMERCIAL PROPERTIES:** All properties used for industrial or commercial purposes, provided that multiple dwelling residential buildings, including residential units over store front commercial business, containing more than four (4) dwelling units, shall be treated as commercial properties.

**CO-MINGLE RECYCLING CONTAINER:** Containers for all recycled materials source-separated from municipal waste to be placed at the curb for collection.

**COMMUNITY EVENTS:** Events that attract, or are intended to attract, 100 or more persons and are sponsored in whole or in part by the township or conducted within the township and sponsored privately. Said events shall include but are not limited to fairs, bazaars, socials, picnics and organized sporting events.

**COMPOST:** The end product of composting. It is a dark, partially decomposed material similar to natural organic matter found in the soil.

**COMPOSTING:** A process involving the microbial decomposition of organic matter.

**CONSTRUCTION DEBRIS:** Customary, non-hazardous waste building materials resulting from construction, remodeling, repair or demolition operations.

**CONTRACTOR:** A private firm awarded a contract to perform a service.

**CORRUGATED CARDBOARD:** Dry, empty, flattened and bundled boxes.

**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.

**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 ordinance, or the official authorized representative.

**FARM USE:** Any number of continuous lots comprising, in the aggregate, five (5) 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.

**GARBAGE:** All table, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods.

**GENERATOR:** Any person who generates leaf waste, recyclable materials or municipal solid waste.

**GLASS CONTAINERS:** Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products.

**HIGH-GRADE OFFICE PAPER:** Computer paper and office stationery but shall not include newsprint and corrugated paper.

**INSTITUTIONAL ESTABLISHMENT:** Those facilities that house or serve groups of people, e.g. hospitals, schools, nursing homes, assisted living facilities.

**LEAF WASTE:** Leaves, garden residues, shrubbery and tree trimmings or similar materials, but not including grass clippings.

**MISCELLANEOUS PAPER:** Bulk mail, magazines, mixed office paper, catalogs and cereal boxes and the like (without inside packaging).

**MISSED COLLECTION:** A single incident of failure by the contractor to collect municipal solid waste or recyclables placed at the approved collection area on the day and time designated for collection. A determination of a missed collection shall be in the sole judgment of the Township based on information received from Township residents.

**MUNICIPAL SOLID WASTE:** Collectively all garbage, refuse, bulk waste, grass clippings and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from a person and normally collected by a solid waste collector, and not meeting the definitions of residual or hazardous waste in the Solid Waste Management Act. The term does not include recyclable materials.

**MUNICIPALITY/TOWNSHIP:** The governmental jurisdiction and legal entity of the Township of East Pikeland in the County of Chester, Pennsylvania.

**MUNICIPAL WASTE COLLECTOR:** Shall mean any individual collecting or transporting municipal waste, bulk waste, recyclable materials and/or yard waste for owners or occupants of property in East Pikeland Township, and any business or institution within the 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 with the Township.

**NEWSPAPERS:** Paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers that have been soiled.

**PERSON:** Any resident, individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth of Pennsylvania institution or agency, or any legal entity whatsoever which is recognized by law as a subject of rights and duties.

**PLASTIC:** All containers made of plastic, including those marked with #1 through #7 recycling symbols.

**RECYCLABLE MATERIALS:** Waste materials that are specified by the Township to be source separated from municipal solid waste and are collected for resale and/or reuse. Such materials may include, but not be limited to: corrugated cardboard, aluminum products, ferrous, bi-metal, glass, and plastic containers, newspapers, magazines and periodicals and leaf waste. The Township reserves the right to periodically update the list of materials defined as recyclable.

**REFUSE:** Garbage, paper, ashes, trash and rubbish.

**RESIDENT:** Any person who owns, leases or occupies a property located in the Township for use as a residence.

**RESIDENTIAL ESTABLISHMENT:** Any occupied single or multi-family dwelling.

**SOURCE SEPARATION:** Shall mean the separation of recyclable materials from municipal wastes at the point of origin for the purpose of recycling.

**YARD WASTE:** Garden residues, leaves, shrubbery, tree trimmings, Christmas trees and similar organic material including grass clippings.

**ARTICLE II  
HANDLING AND DISPOSITION OF MUNICIPAL SOLID WASTE**

**Section 200: Municipal Solid Waste Collection and Disposal**

- A. All municipal solid waste generated by persons throughout the Township shall be collected by a registered municipal waste collector.
- B. 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
- C. 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.
- D. 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 Ordinance by establishing a common system for the collection of municipal solid waste and recyclable materials for all residents of such property by a registered municipal waste collector.
- E. 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.

**Section 201: Unlawful Disposition of Municipal Solid Waste**

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.

**Section 202: Bulk Waste**

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, or a facility designated by the Township to take such bulk waste.

**Section 203: Construction Debris**

Waste materials resulting from the building, structural alteration, repair, construction or demolition of buildings or structures are not considered municipal solid waste and therefore shall

be separate from municipal solid waste for disposal as permitted by applicable Township, State and Federal laws and regulations as may be in effect, or as subsequently imposed.

### **ARTICLE III HANDLING AND DISPOSITION OF RECYCLABLES**

#### **Section 300: Separation of Recyclable Materials.**

There is hereby established a program for the mandatory source-separation and collection of recyclable materials within East Pikeland 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 Sections 303 and 304.

#### **Section 301: Residential Collection**

Collection of recyclable materials shall be made by the 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 Ordinance, 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.

#### **Section 302: Multi-Family Residential Collection**

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 article 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.

#### **Section 303: Commercial, Institutional and Municipal Recycling**

All persons occupying commercial, institutional and/or municipal establishments within the Township shall separate high-grade office paper, aluminum, glass, plastics, and corrugated cardboard 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

**Section 304: Community Events**

All community 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.

**ARTICLE IV  
HANDLING AND DISPOSITION OF LEAF WASTE**

**Section 400: Separation of Leaf Waste**

There is hereby established a program for the mandatory source-separation and collection of leaf waste within East Pikeland Township. The occupant or owner of a home, apartment, or other residential establishment shall separate leaf waste from other municipal solid waste.

**Section 401: Residential Collection**

All leaf waste shall be source-separated from municipal solid waste and recyclable materials. Leaf waste shall be collected by the municipal waste collector in accordance with a schedule established annually by the Township in conjunction with the municipal waste collector, but no less than one collection in the Spring and once per month during the months of September through December. When collection of leaf waste has been scheduled by the municipal waste collector and/or Township, leaf waste shall be placed in separate containers (can, box or bag) at the curb for collection, each container not exceeding a volumetric measure of 40 gallons.

Residents have the option of disposing of leaf waste by composting 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.

**Section 402: Multi-Family Residential Collection**

Owners, landlords and agents of owners or landlords will be responsible for compliance with the collection of leaf waste in accordance with this Article.

**Section 403: Commercial, Institutional and Municipal Recycling**

All persons occupying commercial, institutional and/or municipal establishments within the Township shall collect and separate leaf waste in accordance with this Article and store the leaf waste until collected and recycled. Leaf waste collected must be taken to a State permitted compost facility.

**ARTICLE V  
WASTE COLLECTOR AUTHORIZATION**

It shall be unlawful for any municipal waste collector to collect and/or transport municipal waste or recyclable materials from within East Pikeland Township without having first registered with the Township. 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.

## **Section 500: Registration Requirements**

- A. All municipal waste collectors shall be registered with the Township through an application process as outlined below.
- B. 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.
- C. 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 1 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 Ordinance and any other applicable State, Federal or local provision of law.
- D. Contents of application – At the time of application, the municipal waste collector shall provide the following information on a form prepared by the Township:
  - 1. The name of the municipal waste collector, the business address and telephone number of the business office and a 24-hour emergency telephone number to receive calls from persons in the Township who receive collection service.
  - 2. The name, address and telephone number of the person having the largest ownership interest in the municipal waste collector company.
  - 3. The make, year, model and registration of each truck or vehicle which is used in the Township for the collection and/or transport municipal solid waste or other designated materials.
  - 4. A certificate of the municipal waste collector's workmen's compensation insurance, as required by law; naming the township as additional insured.
  - 5. 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 Ordinance 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.

6. 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.
7. The processing and/or marketing facility where the recyclable materials will be taken.
8. Such other information as the Township, in furtherance of this Ordinance, shall deem appropriate and necessary.

### **Section 501: Collection Requirements**

- A. 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:
  1. Establish procedures for the separation, storage and collection of recyclable materials and provide Township residents with adequate notification of all procedures.
  2. Provide for the collection of leaf waste in compliance with Article IV.
  3. Provide for the collection of bulk waste.
  4. Issue warning notices of violations on forms provided by the Township 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.
  5. Provide annual written and certified documentation to the Township, within 30 days of the end of the calendar year, to provide the following:
    - a. Total number of tons of designated materials that were collected and recycled
    - b. The place of disposition of recycled materials
    - c. List of properties in the Township from which these materials were collected.

### **Section 502: Prohibitions**

It shall be unlawful and a violation of this article 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 Ordinance.
- 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.
- 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. Otherwise create a public nuisance.

## **ARTICLE VI PROHIBITION OF OUTDOOR BURNING**

### **Section 600: Prohibition of Outdoor Burning**

It shall be unlawful for any person to burn or cause to be burned outdoors for purposes of disposal of any municipal waste, leaf waste, yard waste or recyclable materials that are required to be separated and collected pursuant to this Ordinance.

## **ARTICLE VII ADOPTION OF RULES AND REGULATIONS**

### **Section 700: Rules & Regulations**

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 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.

## **ARTICLE VIII ENFORCEMENT**

### **Section 800: Enforcement**

Any person who violates or permits the violation of any provision of this Ordinance 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. Each section of this Ordinance 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. Farm use property shall be exempt from Article III, IV and VI of this ordinance as those Articles applying to leaf waste, yard waste and construction debris produced on any such farm use property.

**ARTICLE IX  
SEVERABILITY**

**Section 900: 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 parts had not been enacted.

**ARTICLE X  
REPEALER**

**Article 1000: Repealer**

Upon enactment of this Ordinance, Ordinances No. 61 and No. 62 are hereby repealed. Any and all provisions of any other Ordinance that are inconsistent with the provisions of this Ordinance are hereby repealed.

**ARTICLE XI  
EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after the date of its adoption.

**ENACTED** and **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**EAST PIKELAND TOWNSHIP  
BOARD OF SUPERVISORS:**

\_\_\_\_\_/s/\_\_\_\_\_  
Russell L. Strauss, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Ronald M. Graham, Vice-Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
J. Benson Campbell, Supervisor

**ATTEST:**

\_\_\_\_\_  
Kimberly Moretti, Township Manager