

Chapter 168, SOLID WASTE

[**HISTORY:** Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds -- See Ch. 77.

Building construction -- See Ch. 80.

Littering -- See Ch. 126.

Property maintenance -- See Ch. 149.

Sewers and sewage disposal -- See Ch. 163.

ARTICLE I, Storage and Collection [Adopted as Ch. VIII, Art. 1, § 101, of the 1979 General Laws of the Municipality of Tredyffrin]

§ 168-1. Accumulation prohibited.

All accumulations of trash, garbage, ashes and/or rubbish on any private or public property or grounds within the Township of Tredyffrin are hereby prohibited.

§ 168-2. Junked automobiles.

The storage or keeping of abandoned or junked automobiles on any private or public property or grounds within the Township of Tredyffrin, where the same amounts to a nuisance in fact, is hereby prohibited. EN

§ 168-3. Responsibilities and fines. EN

It is the responsibility of the owner or occupier of any property to keep that property free of any accumulations or nuisances such as those described in this article. Any such accumulations or nuisances prohibited by the terms of this article shall be abated and removed by the occupant and by the owner of the property on which such accumulation or nuisance exists and by the person or persons who are responsible for such accumulation or nuisance within five days after receipt by him, her or them of written notice so to do from the Board of Supervisors of Tredyffrin Township, and upon his, her or their default and/or failure or neglect to abate or remove such accumulation or nuisance within such time, the township shall have the right and power to remove or cause the removal of or abatement of any such accumulation or nuisance and to pay for the cost or costs thereof and to collect the costs of such removal, together with a penalty of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article, for each and every such accumulation or nuisance, each day constituting a separate offense. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the

judgment pursuant to the applicable rules of civil procedure. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 168-4. Storage containers. [Added 7-20-1992 by Ord. No. HR-196]

It shall be unlawful hereafter in Tredyffrin Township for any person, association or corporation to store trash, rubbish or garbage outside of an enclosed building in other than closed waterproof containers.

§ 168-5. Time of collection. [Added 7-20-1992 by Ord. No. HR-196]

From and after the effective date hereof, in Tredyffrin Township, no person, partnership, firm or corporation shall place containers for trash, rubbish, garbage or recyclables at the curb or in the front yard area of any lot, except during the period beginning at 6:00 p.m., prevailing time, on the day prior to a scheduled collection and ending at 12:00 midnight on the day of a scheduled collection. "Front yard area" shall mean the area between the street line and the first building on the lot.

§ 168-6. Enforcement.

In the enforcement of the provisions or any of the provisions of this article, the Board of Supervisors of Tredyffrin Township shall have the power and right to institute and conduct proceedings in courts of equity or courts of law, as well as before District Justices and other courts not of record.

ARTICLE II, Licensing of Collectors [Adopted 8-20-1990 by Ord. No. HR-155 (Ch. VIII, Art. 1, § 102, of the 1979 General Laws of the Municipality of Tredyffrin)]

§ 168-7. Title.

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

§ 168-8. Definitions.

The following terms shall have the following meanings in this article:

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

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 residential or hazardous waste in the Solid Waste Management Act, 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 COLLECTOR -- Any person collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Tredyffrin Township and any business or institution within Tredyffrin 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. All municipal waste collectors shall be licensed pursuant to the provisions of this article.

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 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 -- Those materials specified by Tredyffrin Township for collection in accordance with the Tredyffrin Township Recycling Ordinance EN and regulations thereunder.

RESIDENT -- Any person who or which owns, leases or occupies a property located in Tredyffrin Township used as a residence.

§ 168-9. License required.

It shall be unlawful for any municipal waste collector to collect and transport municipal waste or recyclable materials within Tredyffrin Township without a license first had and obtained from the Board of Supervisors of Tredyffrin Township.

§ 168-10. Application for license. [Amended 8-16-1993 by Ord. No. HR-211]

In addition to the licensing requirements contained in the Chester County Waste Flow Control Ordinance, all municipal waste collectors shall obtain a license therefor on application to the Board of Supervisors. Said municipal waste collector may collect or transport such municipal waste or recyclable materials within the township for a period of one year from the date of issuance of the license or until January 31 of the next calendar year from the calendar year in which the license is issued, whichever is earlier. Each licensee must renew the license no later than January 31 of each calendar year. Any municipal waste collector to whom a license is so issued shall have the privilege of collecting and transporting any municipal waste or recyclable materials picked up within the boundaries of Tredyffrin Township, which license shall not be transferable.

- A. 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, 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 person having the largest ownership interest in the municipal waste collector.
 - (3) The name, address and telephone number of the officers of the corporation or general partners of the partnership, if applicable.
 - (4) The make, year, model and registration number of each truck or vehicle which is used in Tredyffrin Township to haul, carry, transport or collect municipal waste or recyclable materials.
 - (5) A certificate of the applicant's workers' compensation insurance as required by law.
 - (6) A certificate of insurance coverage covering complete third party public liability for both bodily injury and property damage, owner's and collector'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 Board of Supervisors 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 Tredyffrin 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 Tredyffrin Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
 - (7) The approved disposal site as designated in the Waste Flow Control Ordinance where municipal waste will be taken.
 - (8) The processing and/or marketing facility where the recyclable materials will be taken.
 - (9) Such other information as the township, in furtherance of this article, shall deem appropriate and necessary.
- B. At the time of application, the municipal waste collector shall pay to the township a sum as provided for in a schedule of fees as adopted by resolution of the Board of Supervisors.

§ 168-11. Collection of recyclable materials and leaf waste. [Amended 8-20-1990 by Ord. No. HR-155]

- A. Except as provided hereinbelow, as a condition to issuance and continued effectiveness of any license, the municipal waste collector shall establish a program for the collection and transportation of recyclable materials and leaf waste, which shall at a minimum comply with the following:

- (1) Provide for the collection of separated designated recyclable materials from each resident, commercial, institutional and municipal establishment and community activity served at a minimum of one time every other week in accordance with regulations adopted hereunder and the Tredyffrin Township Recycling OrdinanceEN and regulations adopted thereunder and provide to such customers reusable containers for the storage and collection of recyclable materials.
 - (2) Provide 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 the Tredyffrin Township Recycling OrdinanceEN and regulations adopted thereunder and, when requested, provide customers with paper biodegradable bags for the storage and collection of leaf waste. The township's leaf waste composting facility shall be available to receive leaf waste generated within the township and collected pursuant to this article.
 - (3) Establish procedures for the separation, storage and collection of recyclable materials and provide residents and persons served adequate notification of the procedures.
 - (4) Establish procedures for the separation, storage and collection of leaf waste and provide residents and persons served adequate notification of the procedures.
 - (5) Issue warning notices of violations on forms provided by the township to residents and persons served failing to comply with procedures for the separation, storage and collection of recyclable materials and leaf waste and provide a copy of any such warning to the township.
 - (6) 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 15 days following the close of a calendar quarter.
- B. A municipal waste collector who only collects or transports recyclable materials in Tredyffrin Township shall not be required to comply with, for residents served, Subsection A(2) and (4) above regarding the collection of leaf waste or, for any multifamily residence or commercial and institutional establishments served, Subsection A(1), (2) and (4) above regarding the collection of recyclable materials a minimum of one time every other week and the collection of leaf waste.

§ 168-12. Prohibition.

It shall be unlawful and a violation of this article and grounds for the suspension or revocation of a license or the denial of a renewal license for any municipal waste collector to:

- A. Collect or transport any municipal waste, recyclable materials or leaf waste from any resident failing to source-separate said materials in violation of the Tredyffrin Township Recycling OrdinanceEN and regulations adopted thereunder.
- B. Commingle any designated separated recyclable materials or leaf waste collected within the township with any municipal waste.
- C. Fail to provide for the proper disposition of any municipal waste, recyclable materials or leaf waste collected or transported within the township.
- 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. Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner.
- F. Collect or transfer municipal waste, leaf waste or recyclable materials between the hours of 8:00 p.m. and 6:00 a.m. on any day or otherwise create a public nuisance. [Amended 8-14-1995 by Ord. No. HR-245]

§ 168-13. Conditions of license.

As a condition to the issuance and continued effectiveness of any license, the licensee 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. Said vehicle shall have and display a valid Pennsylvania vehicle registration sticker and at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations 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 that such items are separately collected in accordance with other provisions of this article and regulations adopted hereunder and the Tredyffrin Township Recycling OrdinanceEN and regulations adopted thereunder. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.
- B. Exhibiting license. Each licensee shall at all times while in the process of collecting or transporting said municipal waste or recyclables have and display in a proper manner a valid registration sticker and have the license or a copy thereof, issued by the Board of Supervisors, which shall have

been signed by the Codes Enforcement Officer, or his/her designee, within the vehicle being employed in said collection or transportation and shall exhibit the same, on demand, to the Codes Enforcement Officer or his/her designee or to any police officer of the township.

- C. Schedules and areas of operation. The licensee shall advise the township of its current rates schedule, its intended areas of operation in the township by streets, the terms of service and the scheduled days of collection in different areas of the township and of any changes to the collection program.
- C. Compliance. The licensee shall at all times comply with the provisions of this article and the regulations adopted hereunder and with the Tredyffrin Township Recycling OrdinanceEN and regulations adopted thereunder and the provisions of Chapter 126, Littering, of the General Laws of the Township of Tredyffrin.

§ 168-14. Granting, suspension or revocation of license.

The Board of Supervisors of Tredyffrin Township shall have the right to refuse to issue a license to any municipal waste collector or to revoke or suspend a license previously issued or refuse to renew the same if said municipal waste collector, his or its agents, servants or employees fail to comply with any provision of § 168-9, 168-10, 168-11, 168-12 or 168-13 of this article or of any regulation adopted hereunder.

§ 168-15. Rules and regulations.

The collection of municipal waste and recyclable materials by municipal waste collectors shall be made in compliance with the regulations to be adopted by the Board of Supervisors of Tredyffrin 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.

§ 168-16. Enforcement; violations and penalties.

- 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 any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Board of Supervisors pursuant to this article.
- B. 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 Justice, be sentenced to pay a fine of not more than \$1,000 and not less than \$50 or to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such

violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.EN

- C. Injunction. In addition to any other remedy provided in this article, Tredyffrin 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.
- D. 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.

§ 168-17. Construal of provisions.

The terms and provisions of this article are to be liberally construed so as 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 P.S. § 4000.101 et seq., and the rules and regulations adopted under.

ARTICLE III, Recycling [Adopted 8-20-1990 by Ord. No. HR-154 (Ch. VIII, Art. 1, § 104, of the 1979 General Laws of the Municipality of Tredyffrin)]

§ 168-18. Title.

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

§ 168-19. Definitions.

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

COMMUNITY ACTIVITIES -- Events sponsored in whole or in part by Tredyffrin Township or conducted within Tredyffrin Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

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

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 residential or hazardous waste in the Solid Waste Management Act, 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 COLLECTOR -- Any person collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Tredyffrin Township and any business or institution within Tredyffrin 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. All municipal waste collectors shall be licensed pursuant to the provisions of the Tredyffrin Township Municipal Waste Collectors Ordinance.EN

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 -- Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations which may be promulgated from time to time. Such material may include, but shall not be limited to, aluminum cans, clear and colored glass containers and newspaper. The list of recyclable materials may be changed from time to time by resolution of the Board of Supervisors of Tredyffrin Township.

RESIDENT -- Any person which owns, leases or occupies a property located in Tredyffrin 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.

§ 168-20. Separation program established.

There is hereby established a program for the mandatory source-separation and collection of recyclable materials and leaf waste within Tredyffrin Township, Chester County, Pennsylvania. No person shall dispose of municipal waste, recyclable materials or leaf waste within Tredyffrin Township except in accordance with this article. The use of a municipal waste collector will not relieve any person from compliance with this article.

§ 168-21. Residential recycling.

- A. Recyclable materials. All residents of Tredyffrin Township shall separate recyclable materials from all municipal waste generated at their properties. When placed at the curb for collection in accordance with the provisions of this article, recyclable materials shall be placed in reusable containers which clearly identify the contents as recyclables. Such containers shall be provided by the municipal waste collector. The preparation for collection of municipal waste and recyclable materials shall be made in accordance with the instructions provided by the municipal waste collector.
- B. Leaf waste. All residents of Tredyffrin Township shall separate leaf waste from all municipal waste generated at their property. If composting or other on-site disposal system is not desirable, residents may contract with a municipal waste collector to arrange for pickup of leaf waste in paper biodegradable bags, reusable containers or in bulk. Any resident who otherwise provides for the proper disposal of leaf waste by composting shall not be required to comply with the provisions of this subsection.
- C. Collection. Collection of recyclable materials shall be made only by a municipal waste collector at a minimum of one time every other week. Leaf waste shall be collected by a municipal waste collector in accordance with the schedules established annually by the municipal waste collector.
- D. Multifamily residences. An owner, landlord or agent of an owner or landlord of multifamily residential housing properties with four or more units or the residents of multifamily residential properties 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 municipal waste collector. A 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. In addition, such owners, landlords, agents and homeowners' associations shall annually provide written documentation and certification to Tredyffrin Township of the total number of tons of materials and the types of materials, recycled. Such owners, landlords, agents and homeowners' associations may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the township. Owners, landlords and agents of owners or landlords who comply with this article under this subsection shall not be liable for the noncompliance of occupants of their building.

§ 168-22. Commercial, institutional and municipal recycling.

All persons occupying commercial, institutional and municipal establishments within Tredyffrin Township shall separate high-grade office paper, aluminum, corrugated paper, leaf waste and such other materials, as may be changed from time to time by resolution of the Board of Supervisors of Tredyffrin Township, generated at such

establishments and from community activities, store the materials until collection by a municipal waste collector and annually provide written documentation and certification to Tredyffrin 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 municipal waste collector to provide said documentation and certification directly to the township.

§ 168-23. Prohibitions.

- A. No person shall place municipal waste in containers used for the separation and collection of recyclable materials.
- B. No person shall place designated recyclable materials in containers used for the separation and collection of municipal waste.
- C. No person shall store municipal waste outside of an enclosed building in other than closed watertight containers.
- D. No person shall place containers for municipal waste or recyclable materials at the curb or in the front yard of any lot, except during the period beginning at 6:00 p.m., prevailing time, on the day prior to a scheduled collection and ending at midnight on the day of a scheduled collection. "Front yard" shall mean the area between the street line and the first building on the lot.

§ 168-24. Impairment of ownership.

Nothing in this article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of separated materials by the persons who generated them unless and until separated materials are placed at curbside or similar location for collection by a municipal waste collector.

§ 168-25. Anti-scavenging.

From the time of placement of the recyclable materials at the curb or other designated place for collection by a municipal waste collector pursuant to the provisions of this article and any rules and regulations adopted hereunder, the recyclable materials shall become and be the property of the municipal waste collector. It shall be a violation of this article for any person not duly authorized by Tredyffrin Township to collect or pick up or cause to be collected or picked up any recyclable materials placed at the curb or other designated place for collection by a municipal waste collector pursuant to the provisions of this article. 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 article.

§ 168-26. Rules and regulations.

The collection of municipal waste and recyclable materials by municipal waste collectors and the preparation and collection of municipal waste and recyclable materials

by property owners and residents of the township shall be made in compliance with the regulations to be adopted by the Board of Supervisors of Tredyffrin 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.

§ 168-27. Enforcement; violations and penalties.

- 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 any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Board of Supervisors pursuant to this article.
- B. 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 Justice, be sentenced to pay a fine of not more than \$1,000 and not less than \$50 or to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.EN
- C. Injunction. In addition to any other remedy provided in this article, Tredyffrin 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.
- E. 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.

§ 168-28. Construal of provisions.

The terms and provisions of this article are to be liberally construed so as 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 P.S. § 4000.101 et seq., and the rules and regulations adopted thereunder.