

**TREDYFFRIN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

Ordinance No. HR-_____

**AN ORDINANCE OF TREDYFFRIN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA AMENDING THE TOWNSHIP
SOLID WASTE (CHAPTER 168) ORDINANCE IN ITS ENTIRETY.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township, Chester County, Commonwealth of Pennsylvania, that Chapter 168, Solid Waste, of the Code of the Township of Tredyffrin (the “Code”) shall be amended as follows:

SECTION I. Chapter 168, Solid Waste, of the Code is hereby amended in its entirety to read as follows:

Article I. Storage and Collection

§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.

§168-3 Responsibilities and fines.

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.

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.

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. Municipal Waste and Recyclable Material Collection Requirements

§168-7 Title.

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

§168-8 Definitions.

ACT 101

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

AUTHORIZED COLLECTOR

Person registered and authorized by Tredyffrin 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 Tredyffrin 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 Tredyffrin, 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 collector 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

Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations that may be promulgated from time to time 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 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 collector 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 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.

TOWNSHIP

The governmental jurisdiction and legal entity of Tredyffrin Pennsylvania.

WASTE FLOW CONTROL ORDINANCE

An ordinance by the Chester County Board of Commissioners Municipal Waste Management Plan, which provides inter alia municipal waste generated within the County.

§168-9 Collector Registration Required.

It shall be unlawful for any person to collect, remove and/or transport municipal waste, recyclable materials, and/or leaf waste within Tredyffrin Township without first registering with the Tredyffrin 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 off the property where it was generated. Exceptions are made for residents who directly deliver (self-haul) their municipal waste, recyclable materials and/or leaf waste to a disposal facility.

§168-10 Collector Registration Required.

- A. 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 Tredyffrin Township Manager to provide collection, removal, and transportation services to residential, commercial, institutional, and municipal establishments. Authorized collectors may collect, remove, or transport municipal waste, recyclable materials, and/or leaf waste within the Township for one year from the date of authorization or until January 31st of the next calendar year, whichever is earlier. Authorized collector must remain in full compliance with the requirements of this article, and any regulations enacted pursuant thereto during the authorized collection period. Authorized collectors must renew their registration with the Township annually 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 Tredyffrin Township Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of Tredyffrin Township. Collector authorizations are not transferable.
- B. At the time of registration to become an authorized collector, the person shall provide the following information on a form prepared by the Township.
- 1) The business name, contact person name, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township receiving collection service.
 - 2) The make, model, year, and registration number of each truck or vehicle used to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste in Tredyffrin Township.
 - 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 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.
 - 5) Current rate schedule, 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) Annual 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/or 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.

11) 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.

C. Upon receipt and review of this information, the Township will issue an authorization letter to persons who have satisfied all the requirements of the Township's registration program. This authorization letter will establish the person as an authorized collector.

§168-11 Conditions of registration approval.

A. As a condition to the approval of an authorized collector's registration, the authorized collector 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 collector provides services at frequencies specified in the Tredyffrin Township Recycling Ordinance.

2) Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection, removal, and transportation of municipal waste shall be of the closed metal body type with an automatic compactor unit. Other type vehicles may be used only for the collection of recyclable materials and leaf waste. The recyclable materials and leaf waste collected shall be enclosed or covered so as to prevent roadside littering, attraction of vermin, or creation of other nuisances. 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 collectors 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 collectors shall notify persons they service if violations to this article and the Tredyffrin 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 collector's authorization letter 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.

§168-12 Refusal to grant registration approval; suspension; revocation.

- A. The Tredyffrin Township Manager shall have the right to refuse to approve or authorize a registration to any authorized collector or person or to revoke or suspend previously approved authorizations or refuse to renew the same if said person or authorized collector submits incomplete or false information to the Township or fails to comply with the Township's collector 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.
- B. Refusal to grant registration authorization or suspension or revocation of an authorized collector's registration shall be made in writing by the Tredyffrin Township Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration.

§168-13 Prohibited Acts.

- A. It shall be unlawful and a violation of this article, and grounds for the suspension or revocation of an authorization, for any authorized collector 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, recyclable materials, or leaf waste collected or transported within the Township at a disposal facility.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Otherwise create a public nuisance.

§168-14 Rules for Collection.

The collection of municipal waste, recyclable materials, and/or leaf waste by authorized collector shall be made in compliance with this ordinance or any other regulations adopted by the Board of Supervisors of Tredyffrin Township 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. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

§168-15 Contracting Collection Services.

The collection of municipal waste, recyclable materials, and/or leaf waste by authorized collector shall be made in compliance with this ordinance or any other regulations adopted by the Board of Supervisors of Tredyffrin Township 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. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

§168-16 Violations and Penalties.

- A. 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 and not less than \$50. 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.
- B. Injunction. In addition to any other remedy provided in this ordinance, Tredyffrin 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.

- C. 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 at law or equity.

§168-17 Construal.

The terms and provisions of this ordinance 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 and Act 101, and the rules and regulations adopted thereunder.

Article III. Recycling Requirements

§168-20 Title.

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

§168-21 Program Established.

There is hereby established a program for the mandatory source separation and collection of recyclable materials in Tredyffrin Township, Chester County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in Tredyffrin 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.

§168-22 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 COLLECTOR

Person registered and authorized by Tredyffrin 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 Tredyffrin 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 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.

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, including but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

LEAF WASTE

Leaves, garden residues, shrubbery and tree trimmings 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 Tredyffrin, 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 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 or 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 letterwriting
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

Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations that may be promulgated from time to time for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper, high

grade 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 collector. 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 that owns, leases or occupies a property located in Tredyffrin 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.

§168-23 Requirement for collection service.

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

§168-24 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 annual reports to the Township documenting their name, address, quantities of each material self-hauled, name and address of facility where materials were self-hauled, and other information as required by the Township. Reports must be submitted within 30 days of the end of each calendar year for the previous year.

§168-25 Single-Family Residential Establishment.

- A. Except as otherwise provided herein, all persons owning or occupying single-family residential establishments shall separate all recyclable materials 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 collector.

- B. Separate collection of recyclable materials shall be arranged with an authorized collector by the owner or occupants of each single-family residential establishment. Owners or occupants of each single-family residential establishment and the authorized collector shall establish a collection frequency that shall occur no less than once per week.
- C. The owner or occupant of the single-family residential establishment must obtain information from their authorized collector on how recyclable materials should be prepared for collection.
- D. Requirements for collection.
 - 1) All recyclable materials must be placed in a recycling container separate from municipal waste. Recycling containers may be provided by the authorized collector, property owner, or resident.
 - 2) Recyclable materials 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 recyclable materials in recycling containers with latching lids.
 - 3) 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.
 - 4) Containers shall be placed at the curbside or another location as designated by an authorized collector 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.
 - 5) 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.
 - 6) Recyclable materials must be clean and dry and prepared according to the requirements of the Township or authorized collector.
- E. 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 collector.

§168-26 Multi-family residential establishments.

- A. Owners, landlords, or agents of owners or landlords of a multi-family residential establishment 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 residents 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 if the Township deems there is insufficient recycling containers to serve residents.

- B. Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized collector for the separate collection of recyclable materials.
- C. 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.
- D. 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 collector, 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.
- E. 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 collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, 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 annually, 30 days after the close of each calendar year.
- F. Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of residents.

§168-27 Commercial, institutional, and municipal establishments.

- A. Owners, landlords, or agents of owners or landlords of a commercial, institutional, or municipal establishment 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 each building. 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 if the Township deems there is insufficient containers to serve occupants or tenants.
- B. Owners, landlords, or agents of owners or landlords of a commercial, institutional, and municipal establishments must contract with an authorized collector for the separate collection of recyclable materials.

- C. 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.
- D. 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 collector, 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.
- E. 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 collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, 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 annually, 30 days after the close of each calendar year.

§168-28 Community Activities.

- A. The organizers or sponsors of a community activity must establish a system for source separation, collection, transportation, and recycling of aluminum, plastic, glass, cardboard, high grade office paper, and leaf waste. Arrangements for the source separation and collection of these materials shall be the responsibility of the organizers or sponsors.
- B. 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.
- C. Organizers or sponsors must contract with an authorized collector for the collection of recyclable materials.
- D. Organizers or sponsors of a community activity must provide a written report to the Township that lists the name of the community activity, the authorized collector 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.

§168-29 Leaf Waste.

- A. 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 and recyclable materials generated on any property in the Township and stored in recycling containers until collection.
- B. 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.
- C. All persons in the Township shall arrange to have leaf waste collected curbside or similar location by an authorized collector separate from municipal waste and recyclable materials at a frequency of no less than once per month.
- D. 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 collector collecting leaf waste, the name and address of the property that leaf waste is collected, 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 annually, 30 days after the close of each calendar year.

§168-30 Household hazardous waste, electronic waste, and lead-acid batteries.

- A. It shall be unlawful for any person to commingle hazardous or residual waste, as defined in Act 101, with municipal waste, recyclable materials, and/or leaf waste or to discard or otherwise dispose of hazardous or residual waste except by disposition in compliance with applicable state and federal laws and regulations. For specific material recycling and disposal requirements, refer to the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection guidelines.
- B. It shall be unlawful for any person to commingle a lead acid battery with municipal waste, recyclable materials, and/or leaf waste or to discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary smelter permitted by the U.S. Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of Pennsylvania.
- C. In accordance with Act 108, no person may dispose of a Covered Device or any of its components with municipal waste. This type of waste requires special collection and disposal arrangements. Information on how to recycle Covered Devices may be obtained by the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection. The Township accepts select covered devices for recycling at the Township Building during normal operating hours.

- D. Large and small appliances containing Freon may not be combined with municipal waste. These appliances contain chlorofluorocarbons and Freon that must be removed by a certified professional, and these should be taken to a Freon-certified handler. Freon containing appliances may include refrigerators, freezers, air conditioning units, dehumidifiers, and water coolers.

§168-31 Prohibitions.

- A. 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.
- B. Burning of recyclable materials and leaf waste - The burning of recyclable materials and leaf waste shall be prohibited at all times in the Township.
- C. 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.
- D. 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.
- E. 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 collector as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
- F. 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.

§168-32 Impairment of ownership.

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

§168-33 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 collector.

§168-34 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.

§168-35 Enforcement and penalties.

- A. 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.

- B. 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. 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.

§168-36 Construal of provisions.

The terms and provisions of this ordinance 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 and Act 101, and the rules and regulations adopted thereunder.

SECTION II. 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 III. Any and all provisions of any other ordinance which are inconsistent with the provisions of this ordinance are hereby repealed.

SECTION IV. This ordinance shall be effective thirty-one (31) days from the date of enactment hereof.

DULY ORDAINED AND ENACTED this _____ day of _____, of 2019.

**BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP**

[Seal]

Murph Wysocki, Chair

Attest:

Mark Freed, Vice Chair

Heather Greenberg

William F. Martin
Township Manager

Matthew Holt

Reaves C. Lukens, III

Paul W. Olsen

Kevin O’Nell