

FEB 01 1990

"SOLID WASTE ORDINANCE"

WEST BRANDYWINE TOWNSHIP
ORDINANCE NO. 90-01

AN ORDINANCE REGULATING THE STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE, ESTABLISHING FEES FOR COLLECTION AND DISPOSAL AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The Township of West Brandywine hereby ordains as follows:

SECTION I - SHORT TITLE

This Ordinance shall be known as the "Solid Waste Ordinance".

SECTION II - DEFINITIONS

Agricultural Waste - All manure and other nonhazardous waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, as the result of the keeping of animals, poultry or livestock.

Bulk Waste - Stoves, refrigerators, water tanks, washing machines, furniture, mattresses not containing hazardous materials and all other nonhazardous waste materials other than Construction Debris.

Bulk Waste Pickup - Bulk Waste Pickup shall be limited to six (6) of the bulk waste items listed above, each of which items shall be easily handled by two adult persons.

Construction Debris - Customary, nonhazardous waste building materials resulting from construction, remodeling, repair or demolition operations.

Disposal - The transportation of waste to an incinerator, sanitary landfill, resource recovery facility or other lawful site, and making final disposition.

Garbage - Every accumulation of nonhazardous, noncontaminated waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packaging, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter including, but not by the way of limitation, used tin cans and other food containers, and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents.

WEST BRANDYWINE TWP:
BOX 336, LAFAYETTE RD., R.D. #7
COATESVILLE, PA. 19320

Hazardous Waste - Any chemical, compound, mixture, substance or article designated by a federal agency, including the United States Environmental Protection Agency, Commonwealth, County or Township agency to be "hazardous", "toxic" or dangerous as those terms are defined by or pursuant to Federal, State, County or local law.

Person - Any natural person, association, partnership, firm or corporation.

Recyclables - Nonhazardous materials having monetary value in the secondary materials market. These materials include, but are not limited to, aluminum cans and other aluminum articles, bi-metal cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, newspapers, computer printout paper, computer tab cards, office paper, steel cans and paper products not chemically coated.

Refuse - All solid waste (excluding human body waste) generated within the Township.

Residential Refuse - All Garbage generated within a single family residential unit located within the Township.

Single Family Residential Unit - A building within the township occupied exclusively as a residence for only one family.

Multifamily Residential Unit - Building or Buildings within the township occupied exclusively as a residence by more than one family (apartments, etc.).

SECTION III - RESIDENTIAL REFUSE

A. STORAGE AND COLLECTION

The storage and collection of all residential refuse from single family and multifamily residential units shall comply with the following:

1. All residential refuse except tree trimmings, grass cuttings, dead plants, weeds, leaves and dead trees or branches thereof which shall be securely bundled, bagged or contained as follows:

(i) Three containers not larger than 30 gallons each in size, nor more than 70 pounds in total weight.

(ii) One securely tied bundle of material not exceeding three (3) feet in length and three (3) feet in diameter, not more than 35 pounds in weight.

(iii) Combination of four of (i) and (ii).

2. All refuse shall be drained free of liquid before storage for collection.

3. Garbage shall be adequately and securely wrapped in paper or similar material so as not to become unwrapped in the disposal process.

4. All cans, bottles or other food containers shall be drained and where appropriate cleaned before storage for collection.

5. It shall be unlawful to permit the accumulation of residue of liquids, solids, or a combination of such material on the bottom or sides of containers. The interior of containers shall be kept clean by thorough rinsing, draining, and disinfecting as often as is necessary in order to prevent odor and accumulation of residue.

6. Each refuse container shall be securely closed placed at curbside by 5:00 a.m. on days designated by the Township for collection. Curb side refers to that portion of right-of-way adjacent to Township roads, or approved private roads. Containers shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians including sight obstruction.

7. It shall be unlawful to place or dispose of refuse or garbage as provided for in this ordinance unless the same is contained and collected as provided for in this section A 1-6.

8. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage, or breeding of vectors, insects and/or rodents, and to prevent conditions in any way harmful to the public health or which create safety hazards, odors, unsightliness or public nuisances.

B. BULK WASTE

1. The Board of Supervisors may designate up to 2 bulk collections per year. On this day the Township shall provide a Bulk Waste Pickup as defined by this ordinance.

C. COLLECTION FEES

1. The West Brandywine Board of Supervisors shall establish the annual fee for the collection of Residential Refuse as part of the Township's Annual Budget.

2. Regular collection fees as established by the Supervisors shall be billed in January of each year and shall be paid as provided in subparagraph 3 of this section.

3. Collection fees shall be subject to a ten percent (10%) penalty if not paid within forty-five (45) days after they are due. If not paid after said forty-five (45) days, interest at the rate of one percent (1%) per month, shall be charged on the fee and penalty. All fees, together with all penalties, charges, and interest thereon, not paid within six months from the date the fees became due shall be deemed to be delinquent. All delinquent collection fees and all penalties, charges and interest thereon may be liened against the property at which service was received and collected in accord with the Municipal Lien Law or other legal proceedings.

SECTION IV - COMMERCIAL, AND INDUSTRIAL REFUSE

A. STORAGE AND COLLECTION

1. Every owner of a commercial or industrial establishment or any premises other than a single family or multifamily residential dwelling shall provide for the storage and collection of refuse as provided for in this section.

2. The premises as defined in paragraph 1 above shall have proper refuse containers which shall be made of durable, watertight, rust-resistant material having a close-fitted lid and any necessary handles to facilitate collection. Any cracked, rusted or otherwise improper container shall constitute a public nuisance, and shall be removed from the premises on or before the next collection day.

3. All refuse shall be drained free of liquids before storage for collection.

4. Garbage shall be adequately and securely wrapped in paper or similar material so as not to become unwrapped in the disposal process.

5. All cans, bottles, or other food containers shall be drained and where appropriate cleaned before storage for collection.

6. It shall be unlawful to permit the accumulation of residue of liquids, solids or a combination of such material on the bottom or sides of containers. The interior of containers shall be kept clean by thorough rinsing, draining, and disinfecting as often as is necessary in order to prevent odor and accumulation of residue.

WEST BRANDYWINE TWP.
BOX 336, LAFAYETTE RD., R.D. #7
COATESVILLE, PA. 19320

7. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage, or breeding of vectors, insects and/or rodents, and to prevent conditions in any way harmful to the public health or which create safety hazards, odors, unsightliness or public nuisances.

8. It shall be unlawful to place or dispose of refuse unless such refuse is placed in an approved container, as provided for in this ordinance.

SECTION V - DISPOSAL OF REFUSE

1. It shall be unlawful to dump, burn, bury, destroy, process or otherwise dispose of any refuse within the boundaries of the Township of West Brandywine except in accordance with this ordinance and by the Pennsylvania Department of Environmental Resources and consistent and in compliance with the Chester County Solid Waste Management Plan, as from time to time amended.

2. Untreated Agricultural Wastes may, however, be spread in thin layers and plowed under in conformity with sound and lawful agricultural practices.

3. Leaves, trees and other vegetation wastes may not be burned in the Township of West Brandywine except with specific written prior approval of the Fire Marshal of West Brandywine Township.

4. Individuals may operate lawful and safe leaf composting facilities. Only shrubbery, tree trimmings, leaves, garden residues and other similar vegetative material which has been adequately shredded or chipped may be brought to or received by a leaf composting facility.

SECTION VI - LICENSING OF REFUSE COLLECTIONS

1. Only a person licensed by West Brandywine Township may collect refuse within West Brandywine Township.

2. A license shall be valid for one year and may be renewed upon application and approval.

3. Application for a license shall be made on a form prescribed by the municipality and submitted at the Township office, accompanied by the licensing fee established by the Board of Supervisors of West Brandywine Township in the Fee Schedule Resolution.

4. Licenses are not transferrable from one collector to another, or from one vehicle to another.

WEST BRANDYWINE TWP.
BOX 336, LAFAYETTE RD., R.D. #7
GOATESVILLE, PA. 19320

5. Township shall issue or refuse to issue a license to an applicant within 30 days from the Township's receipt of the properly completed application and license fee.

6. Applicants for a West Brandywine Township Refuse Collection permit must furnish the following information:

a. The makes, models, license plate numbers and sizes of each of the vehicles to be used for collection and transportation of refuse.

b. The locations, addresses, hours of business, and telephone numbers of the collector's business offices to receive calls, visits or correspondence from persons in the municipality who receive collection service.

c. A certificate of Workmen's Compensation Insurance as required by law.

d. A certificate of insurance coverage evidencing liability insurance: minimum limits of five hundred thousand dollars (\$500,000) (bodily injury) for each occurrence and aggregate for the terms of the policy; property damage insurance in the amount of one hundred thousand dollars (\$100,000); and an umbrella excess liability coverage policy of one million dollars (\$1,000,000) during the effective dates of the license, or any renewal thereof, in order to protect and save the Township harmless against any and all claims for damages to persons or property arising from the collection of refuse. Further the collector shall name the Township as co-insured on the aforesaid policies and supply said Township with a copy thereof.

e. The PA DER approved disposal site(s) where the waste will be taken. The disposal site(s) shall be listed on the permit.

f. Any other relevant information which the Township deems necessary for the issuance of a permit.

7. All vehicles licensed for the collection or transportation of refuse in West Brandywine Township shall:

a. Comply with all applicable Federal, state and local regulations and shall have safety devices, including but not limited to the following: adequate exterior rear-view mirrors, back up lights, four-way emergency flashers; easily accessible first aid equipment; easily accessible fire extinguisher; and adequate audible reverse warning device. If crew members ride outside the cab of the vehicle, adequate handholds and standing platforms to safeguard against slipping shall be provided.

b. Have watertight, enclosed metal bodies constructed in a fashion to permit complete cleaning of all residue waste, and equipped with motorized compaction devices.

c. Be maintained in good condition and kept clean to prevent odor and propagation or attraction of vectors.

d. Bear the identification number of the Township license, together with sequential vehicle numbering in a conspicuous location on the exterior of the vehicle.

8. Failure of a licensed collector to comply with the provisions of this ordinance shall result in the revocation of the license.

9. In the event of conflict between the provisions of this section and the provisions of any contract which the township might let for refuse collection, such contract provisions shall prevail and be applicable to all collectors to be licensed pursuant to this ordinance.

SECTION VII - PERSONS RESPONSIBLE FOR THE PAYMENT OF FEES AND COMPLIANCE.

Every person producing waste, refuse, garbage or like material as referred to in this ordinance, or being responsible for the existence or disposal of such material, or for whom such material, or being the owner of the premises on which such material is in existence or is produced, or which accumulations require removal, shall be responsible to pay the fees and other charges provided for herein, and shall be the proper subject of the enforcement procedures as provided for herein.

SECTION VIII - PENALTIES

1. Any person who shall violate any provision of this Ordinance shall upon conviction by a District Justice be sentenced to pay a fine of not less than \$50.00 nor more than \$500.

2. Each day's continuance of a violation of this ordinance shall constitute a separate offense.

3. The Township may enforce the terms of this ordinance by appropriate proceedings in law or equity.

SECTION IX - EFFECTIVE DATE, CONSTRUCTION AND SEVERABILITY

WEST BRANDYWINE TWP.
BOX 336, LAFAYETTE RD., R.D. #7
COATESVILLE, PA. 19320

SECTION IX - EFFECTIVE DATE, CONSTRUCTION AND SEVERABILITY

1. Effective Date - This Ordinance and Rules and Regulations established hereby shall become effective on February 1, 1990.

2. Construction and Severability - If any provision of this ordinance is invalid, such invalidity shall not affect or impair the other provisions; it is the Board of Supervisor's intent that the remaining valid provisions shall be and remain in full force and effect.

3. All ordinances and resolutions and parts of ordinances and resolutions, insofar as they are inconsistent herewith, are hereby repealed or rescinded.

This Ordinance is hereby enacted on **FEB 01 1990**, 1990.

ATTEST:


Warren A. Kuhn, Secretary
West Brandywine Township
Chester County, Penna.

Board of Supervisors of
West Brandywine Township


Ronald A. Rambo Sr. Chairman

Carl S. Lindborg, Supv.
Absent
C. Thomas Williams Jr. Supv.

WEST BRANDYWINE TWP.
BOX 336, LAFAYETTE RD., R.D. #7
COATESVILLE, PA. 19320