DEC. 05 1991

BOARD OF SUPERVISORS
WEST BRANDYWINE TOWNSHIP
1199 Lafayette Road
Coatesville, PA 19320

WEST BRANDYWINE TOWNSHIP ORDINANCE NO. 91-03

An Ordinance to establish a curbside collection program for recyclable materials in West Brandywine Township; to prohibit the disposal of recyclable materials into the conventional Municipal Solid Waste Disposal System, to adopt and render reasonable regulations pursuant to recycling; and to fix penalties for the violation thereof.

Whereas, the recycling of solid waste is an important public concern because of the growing problem of disposal and its environmental impact; and

Whereas, the available landfill facilities are rapidly decreasing, and their tipping fees are ever escalating; and

Whereas, the recycling of certain materials will reduce the volume of solid waste for disposal at landfills, extend the life of the landfills, assist in decreasing the tipping fee costs for the Municipality and promote the protection of our environment, along with contributing to the conservation of natural resources; and

Whereas, a successful Municipality Recycling Program is determined to be in the best interest of the residents of West Brandywine Township. Be it ordained and enacted by the Board of Supervisors of West Brandywine Township, Chester County, Commonwealth of Pennsylvania, as follows:

ARTICLE I. GENERAL

SECTION 1. SHORT TITLE - This Ordinance shall be known as the "West Brandywine Township Recycling Ordinance."

SECTION 2. PURPOSE - The purpose of the Ordinance is to provide for the health, safety and welfare of the residents of West Brandywine Township by regulating the collection of recyclable materials by:

1.) Instituting a curbside recycling program pursuant to the requirement of Act 101 of the Pennsylvania General Assembly, 1988 and amendments thereto.

SECTION 3. DEFINITIONS - The following words and/or phrases, when used in this ordinance, shall have the meanings given to them in this section;

Aluminum Cans. Clean, non-aerosol and empty all aluminum beverage containers.

Authorized Collector. Person, Firm, or Corporation contracted by West Brandywine Township to handle recyclables in accordance with this ordinance.

Bi-Metal Cans. Clean, non-aerosol and empty food or beverage containers made from two metals; usually consisting of steel and aluminum sides or tops.

Commercial and Industrial Establishments. Those properties used for commercial or industrial purposes.

Corrugated Paper. Any structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Curbside. Refers to that portion of the right-of-way adjacent to State or Township Roads.

Dwelling Unit. An occupied single family dwelling or multi-family structure (such as a apartment) that is individually owned or rented with a separate entrance onto a public or private street.

Glass. Plain, uncolored, or colored glass bottles, and jars. Expressly excluded from this definition of glass are blue glass, non-container glass, lead crystal, mirror glass, porcelain, ceramic products, and tempered or plated glass.

High-grade Office Paper. Any bond, copier, letterhead or mimeograph paper typically sold as "white ledger" or "ledger" paper and computer paper.

Institutional Establishment. Any establishment engaged in service to persons including, but not limited to, Hospitals, Nursing Homes, Medical Centers, Schools, etc.

Leaves. Leaves of trees or shrubs which are not attached to the twig or limb from which they fell.

Miscellaneous Paper. To consist of magazines, books and junk mail, envelopes without the see through windows.

Municipality. A political subdivision, such as a Township of the Second Class, within the Commonwealth of Pennsylvania.

Newspapers. Paper of the type commonly referred to as newsprint and distributed at fixed intervals. Having printed thereon news and opinions and containing advertisements and matters of public interest.

Person. Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Plastic Bottles. Empty containers made and fabricated of plastics labeled with the plastics recycling logo 1 and 2 and most commonly used as beverage and food containers. Due to the large variety of types of plastics, Township recycling regulations, which may be promulgated from time to time, may further stipulate specific types of plastics which may be recycled.

Recyclables/Recyclable Materials. Those materials specified by the Township for collection in accordance with this ordinance and recycling regulations. The list of recyclables may be revised from time to time as deemed necessary by the Township of West Brandywine.

Recycle Container. A molded, heavy duty plastic container approximately eleven (11) gallons in capacity with the recycle logo for the purpose of storage of recyclables at a residential dwelling unit approved by the municipality.

Recycling. The program or system of separation, collection, processing, recovery, or re-use of recyclables.

Steel Cans. Clean non-aerosol and empty all-steel (ferrous and metal) or bi-metal beverage and food containers.

ARTICLE II RECYCLABLES

SECTION I. ESTABLISHMENT OF PROGRAM - The Township of West Brandywine hereby establishes a program for the mandatory separation and collection of recyclable materials from the solid waste stream by all persons within the Township. Collection of the materials to be recycled shall be made periodically by the Township, its authorized collector, or a private hauler as deemed necessary,for recycling purposes.

SECTION 2. Public Notice - The Township shall give at least thirty(30) days public notice prior to the initiation of a recycling program. Furthermore, the Township shall provide public notice of the components and requirements of the recycling program every six (6) months. This notice may have the form of a leaflet, newsletter, an advertisement in the local paper, or take any form deemed appropriate by the Board of Supervisors.

SECTION 3. Education - This is to be in the form of a brochure outlining the proper method to recycle. The brochure will be passed out by the authorized collector when distributing the recycle containers.

SECTION 4. Establishment of Regulations - The Township shall establish and promulgate regulations pertaining to the preparation, separation, placement and collection of recyclable materials. The Township may modify, change, repeal, or amend these regulations as deemed necessary.

SECTION 5. Items to be Separated and Recycled -

A. Dwelling Unit:
   1) Aluminum Cans
   2) Bi-Metal/Steel Cans
   3) Clear Glass
   4) Colored Glass (brown and green)
   5) Additional material not mandatory at present time, but which may be placed at Township Drop-off Center
      a) Newspaper and miscellaneous paper
      b) Corrugated cardboard
      c) Plastics with logo 1 and 2

B. Commercial, Industrial, Institutional, and Municipal Establishments:
   1) Newspaper and Miscellaneous Paper
   2) High Grade Office Paper
   3) Corrugated Cardboard
   4) Aluminum Cans
   5) Clear Glass
   6) Colored Glass (brown and green)

C. Private Mobile Home Courts:
   1) Aluminum Cans
   2) Bi-Metal/Steel Cans
   3) Clear Glass
   4) Colored Glass (brown and green)
   5) Additional materials not mandatory at present time, but which may be placed at Township Drop-off Center
      a) Newspaper and miscellaneous paper
      b) Corrugated cardboard
      c) Plastics with logo 1 and 2

SECTION 6. Leaf Waste

A. It is prohibited and will be deemed a violation hereof for any person listed under Section 5 A,B, and C, to put into or cause to be put into the solid waste collection any leaf waste.

B. Leaf waste shall be separated from solid waste generated on any property.

1) Dwelling Units - Leaf waste is to be packaged in a bio-degradable bag purchased from the Township for a cost of $1.00 each and placed at the curbside on designated leaf collection days or it may be composted on site as permitted by the Pennsylvania Department of Environmental Resources.

2) Commercial, Industrial, Institutional, and Municipal Establishments - Leaf waste is to be picked up by a private contractor and delivered to a composting facility licensed by the State or may be composted on site as permitted by the Pennsylvania Department of Environmental Resources.

3) Private Mobile Home Courts - Leaf waste is to be picked up by a private contractor and delivered to a composting facility licensed by the State or may be composted on site as permitted by the Pennsylvania Department of Environmental Resources.

SECTION 7. Separation and Placement of Recyclables for Collection

A. Dwelling Unit - Recyclable materials shall be separated and placed in the recycle containers provided by the Township. The recycle containers shall be placed at the curb or other designated area, approved by the Township, along with your solid waste for collection at such times and dates established by the Township, and its authorized collector.

B. Commercial, Industrial, Institutional, and Municipal Establishments - All noted agencies shall separate and recycle those items listed under Section 5 B, above, and shall contract with a private hauler for such services. Annual reports shall be submitted outlining the materials collected, the total tons of materials recycled, and the person submitting the report. Such reports shall be submitted to the Township on or before January 15 of each year for the proceeding calendar year.

C. Private Mobile Home Courts - Mobile Home Courts shall separate and recycle those items listed under Section 5 C, above, and shall contract with a private hauler for such services. Annual reports shall be submitted outlining their material collected, the total tons of material recycled, and their person submitting the report. Such reports shall be submitted to the Township on or before January 15 of each year for the proceeding calendar year.

SECTION 8. Ownership of Recyclables - From the time of placement of recyclable materials at the curb or other designated area for collection by the township or its authorized collector, pursuant to this ordinance and any rules and regulations adopted hereunder, the recyclable materials, as listed under Section 5 A, shall become the property of the Township or its authorized collector.

SECTION 9. Collection by Unauthorized Persons - From the time of placement of recyclable items at the curb or designated location, it shall be a violation of this ordinance for any person, unauthorized by the Township, to collect or pick up any 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.

SECTION 10. Violation and Penalties

A. Any person who violates or fails to comply with any provision of this ordinance or the rules and regulations adopted pursuant hereto, shall be punishable by the following:

1) First offense shall be a written warning
2) Second and third offense shall be punishable by fines not to exceed fifty dollars ($50.00) and one hundred dollars ($100.00), respectively, plus cost of prosecution.
3) All subsequent offenses shall be punishable by fines no less than two hundred and fifty dollars ($250.00) and no more than five hundred dollars ($500.00), plus costs of prosecution.
4) The Township or its authorized collector reserves the right not to collect Municipal Solid Waste containers recyclables or those recyclables improperly placed.

ARTICLE III SEVERABILITY, AMENDMENTS AND EFFECTIVE DATE

SECTION 1. Severability - Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be effected thereby.

SECTION 2. Amendments - This ordinance or any part thereof may be amended from time to time in accordance with the procedures as established by law.

SECTION 3. Effective Date - This ordinance shall become effective on the 1st day of January 1992.

Ordained and enacted this 5TH day of DECEMBER, 1991.

Board of Supervisors
West Brandywine Township
Chester County, Pennsylvania

Ronald A. Rambo, Sr. Chairman

Carl S. Lindborg Vice Chairman

C. Thomas Williams Supervisor

ATTEST:

Warren A. Kuhn Secretary

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(Sealed)