

West Brandywine Township

Board of Supervisors

John W. Cassels Jr., *Chairman*

Joseph M. Morris, *Vice-Chairman*

Charles A. Dobson, *Supervisor*

Dale Barnett, *Township Manager*

WEST BRANDYWINE TOWNSHIP CHESTER COUNTY, PENNSYLVANIA ORDINANCE NO. 2019-04

AN ORDINANCE OF THE TOWNSHIP OF WEST BRANDYWINE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 155 OF THE WEST BRANDYWINE TOWNSHIP CODE OF ORDINANCES ENTITLED "SOLID WASTE" IN ITS ENTIRETY.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA SECOND CLASS TOWNSHIP CODE, ARTICLE XVI ORDINANCES 53 P.S. §66601, THE BOARD OF SUPERVISORS OF WEST BRANDYWINE TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Article I Collection and Disposal

§155-1 Short title

This article shall be known as the "West Brandywine Township Solid Waste Ordinance"

§155-2 Definitions

When not specifically found in this Article, definitions of terms can be found in the Code of the Township of West Brandywine, Chapter **1**, General Provisions, Article **III**, and Terminology Where any definition is found to be inconsistent with other sections of the Township Code the text within the provision shall prevail.

§155-3 Residential Refuse (Solid Waste Materials)

(A) Single-family

1. Storage and Collection for Single-family residential establishments include residential dwelling units as defined by single family, single family attached, two family attached (twin) and two family semidetached (duplex) in the Township Code.
2. Except as otherwise provided herein, all persons owning or occupying single family residential establishments as defined herein shall separate all municipal solid waste materials generated in their residential establishment from recyclable materials as defined by article II herein. The container shall be placed curbside or in another designated location for collection by the Township or its agents or contractors.
3. Collections of solid waste materials shall be made in accordance with the schedule of areas and dates to be publicly advertised by the Township.

4. Requirements for collection.

- a. Solid waste materials shall be put in a container with a lid or sealable trash bags, with a size not greater than fifty (50) gallons and shall not exceed seventy pounds in weight.
- b. Solid waste containers or bags shall be kept completely closed to prevent waste materials from being blown about or littered on Township streets or on private property.
- c. The storage of all solid waste shall be practiced preventing the attraction, harboring or breeding of insects and/or rodents or vermin and to eliminate conditions harmful to the public health or which create safety hazards, odors, unsightliness and/or public nuisances.
- d. Solid waste shall be drained free from any liquid prior to being placed for collection.
- e. Containers for the collection of solid waste shall be kept clean from residue or liquids.
- f. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in Township issued recycling containers.
- g. Under no circumstances shall municipal solid waste 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.
- h. Each Single-family residential establishment is permitted to place a bulk waste item (as listed on Township website) curbside on the scheduled solid waste collection day.

(B) Multi-family residential establishments.

1. Multi-family residential establishments include residential dwelling units as defined by dwelling, multiple-family of the Township Code.
2. Arrangements for the collection of solid waste and recycling materials shall be determined during the Conditional Use Process. Subsection A. or B. shall apply as determined by the Conditional Use decision.
 - a. Conditions of the solid waste and recycling program shall be consistent with Section 155-3. 2
 - b. The owners and occupants shall establish a system of source separation of solid waste, collection, transportation of solid waste and recyclable materials designated in article I and II. Arrangements for the collection of solid waste materials shall be the responsibility of the owner of the property in which the solid waste materials were generated and/or the person contractually obligated to the owner to arrange for collection and disposal of solid waste and recyclable materials.
3. Solid waste separation, collection, and transportation system shall include an appropriate number of containers at easily accessible locations to accommodate the amount of solid waste materials generated at the property. It must also include the written instructions to the tenants or occupants of

multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program.

4. Owners, landlords, or agents of owners or landlords of multi-family establishments must contract with a registered hauler for the collection of solid waste materials if their building is not serviced by the Township sponsored solid waste and recycling program.
5. No persons shall place solid waste materials in containers provided for the collection of recyclable materials and no recyclable materials shall be placed in containers designed for the collection of solid waste materials.
6. Solid waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the contracted registered hauler. Collection frequency must occur at weekly or more frequently as to prevent containers from being overfilled with solid waste materials that may cause unsanitary conditions including, odors, rodent harborage, breeding of insects, or other conditions adverse to public health.

§ (C) Mobile home parks

1. Mobile home parks include residential dwelling units placed on a parcel of land as designated in the Township Code.
2. The owners and occupants of mobile home parks must establish a system for source separation, collection, transportation, of solid waste materials designated in this article. Arrangements for the collection of the solid waste materials shall be the responsibility of the owner of the property in which the solid waste materials were generated and/or the person contractually obligated to the owner to arrange for collection and disposal of solid waste and recyclable materials.
3. Owners of mobile home parks must establish a collection system that includes an appropriate number of solid waste containers at easily accessible locations to accommodate the amount of solid waste materials generated at the property. Owners must provide written instructions to the tenants or occupants of mobile home parks to inform them of the requirements for disposal of solid waste and availability of the collection program.
4. Owners of mobile home parks must contract with a registered hauler for the collection of solid waste materials.
5. No persons shall place solid waste materials in containers used for the collection of recyclable material and no recyclable material shall be placed in containers designed for the collection of solid waste materials.

Solid waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the contracted registered hauler. Collection frequency must occur at weekly or more frequently as to prevent containers from being overfilled with solid waste materials that may cause unsanitary conditions including, odors, rodent harborage, breeding of insects, or other conditions adverse to public health.

§155-4 Commercial, industrial, institutional, and municipal establishments

1. Commercial, industrial, institutional, and municipal establishments required to collect solid waste under this provision are described in the Township Code.
2. The owners or occupants of commercial, industrial, institutional, and municipal establishments must establish a system for source separation, collection, and transportation of solid waste materials designated in this article. Arrangements for the collection of recyclable materials designated in this article. Arrangements for the collection of solid waste materials shall be the responsibility of the owner of the property in which the solid waste materials were generated and/or the person contractually obligated to the owner to arrange for collection of solid waste materials.
3. Owners or occupants of commercial, industrial, institutional, and municipal establishments must establish a collection system that includes an appropriate number of solid waste containers at easily accessible locations to accommodate the amount of solid waste materials generated at the property. Owners or occupants must provide written instructions to the tenants, customers, employees, or other individuals to inform them of the use availability of the collection program.
4. Owners or occupants of commercial, industrial, institutional, and municipal establishments must contract with a registered hauler for the collection of solid waste materials.
5. No persons shall place solid waste materials in containers used for the collection of recyclable material and no recyclable material shall be placed in containers designed for the collection of solid waste materials.
6. Solid waste material collection frequency shall be set by the owner or occupant of a commercial, industrial, institutional, or municipal establishment and the state contracted registered hauler. Hauler collection frequency must occur at weekly or more frequently as to prevent containers from being overfilled with solid waste materials that may cause unsanitary conditions including, odors, rodent harborage, breeding of insects or other conditions adverse to public health.

§155-5 Enforcement

Township code enforcement officials are hereby empowered to enforce the provisions of this Chapter. An inspection may consist of sorting through containers of municipal solid waste and opening bags of municipal solid waste to detect the presence of recyclable materials or inspecting containers of recyclable materials to detect the presence of solid waste.

Article II Recycling

§155-6 Short title

This article shall be known as the “West Brandywine Township Recycling Ordinance”

§ 155-7. Definitions

When not specifically found in this Article, definitions of terms can be found in the Code of the Township of West Brandywine, Chapter 1, General Provisions, Article III, and Terminology Where any definition is found to be inconsistent with other sections of the Township Code the text within the provision shall prevail.

Aerosol – Containers comprised of aluminum, tin, steel, or a combination thereof, which contained aerosol substances

Cans – Containers comprised of aluminum, tin, steel, or a combination thereof, which contained non-aerosol substances

Cartons – Plastic or wax coated containers such as gable top milk and juice containers, take out-out food containers, broth and tea containers, and juice drink boxes

Catalogs – Printed materials soliciting products for sale to the reader

Corrugated Paper – Structural paper material with inner core shaped grid parallel furrows and ridges

Glass Containers – Bottles and jars made of clear or colored glass. Expressly excluded are non-container glass, mirrors, automobile glass, dishware, plate glass, crystal, light bulbs and porcelain and ceramic products

High-Grade Office Paper – Any bond, copier, letterhead, mimeograph paper typically sold as “white ledger” or “ledger” paper, and computer paper

Leaf Waste – Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings

Magazines – Glossy, shiny, and other coated paper materials, usually bound, for reading and entertainment

Mixed Paper – Other recyclable paper such as envelopes, paperboard/chipboard, junk and unwanted mail, construction paper, receipts, wrapping paper, brochures, Kraft paper, and other recyclable paper, excludes corrugated paper, high-grade office paper, magazines, catalogs, and newspapers

Municipal Waste - Garbage, refuse, and other material, including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of a dwelling unit not meeting the definition of residual or hazardous waste in the Solid Waste Management Act

Newspaper – Paper of the type commonly referred to as “newsprint” and distributed at fixed interval; having printed thereon news and opinions and containing and containing advertisements and matters of public interest

Plastic Containers – Food and beverage plastic containers with SPI Code Numbers 1, 2, 3, 4, 5, and 7 only

Solid Waste & Recycling Contractor – Private firm awarded contract to perform the collection of solid waste and recyclables for the municipality.

§155-8 Establishment of Program

The Township of West Brandywine hereby establishes a program for the mandatory source-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.

§ 155-9 Establishment of regulations

1. The Township Supervisors shall have the authority to adopt, modify, and amend the recycling regulations from time to time by resolution, including, without limitation, regulations regarding what materials must be separated for recycling, preparation of recyclable materials, and or the placement or collection methods for recyclable materials.
2. Regulations adopted by the Township Supervisors shall be posted on the Townships website.
3. Violations of any such regulations shall be deemed a violation of this article and subject to the same penalties hereunder.

The following materials must be recycled by all persons in the Township:

- Newspaper
- Corrugated Paper
- High-grade office paper
- Cartons
- Plastic containers
- Glass containers
- Metal
- Aluminum cans
- Bi-metal cans
- Steel cans
- Leaf waste

§ 155-10 Leaf Waste

1. It is prohibited and will be deemed a violation for any person in the Township to put or cause to put leaf waste with municipal solid waste generated on any property.
2. Nothing herein shall prevent any person from utilizing leaf waste as compost, mulch, or other agricultural, horticulture, or landscaping purposes on the property where the leaf waste is generated.
3. Owners or occupants of a single-family residential dwellings shall separate leaf waste from other municipal solid waste and store the materials until collection. No leaf waste shall be comingled with other municipal solid waste collected by the Township or its agents or contractors. The Township will collect leaf waste curbside on designated days in compost bags or loose via leaf vacuum as set forth by the Township.
4. Owners or occupants of multiple family residential dwellings shall separate leaf waste from other municipal solid and store the materials until collection. No leaf waste shall be comingled with other municipal solid waste collected by the Township or its agent or contractors. Owners or occupants of multiple-family dwellings not served by the Township's municipal solid waste collection program shall arrange with a registered hauler for the separate collection, processing, and disposal of leaf waste at a composting site licensed by the State.
5. Owners or occupants of commercial, industrial, institutional, and municipal establishments shall separate leaf waste from other municipal solid waste and store the materials until collection. No leaf waste shall be comingled with other municipal solid waste collected by the Township or registered haulers. Owners or occupants of commercial, industrial, institutions, and municipal establishments shall arrange with a registered hauler for the separate collection, processing, and disposal of leaf waste at a composting site licensed by the State.
6. Persons in the Township have the option of self-hauling leaf waste to the West Brandywine Township Maintenance Facility on a designated Saturday of each month or on other dates and times as designated by the Township.

§ 155-11 Separation, preparation, placement, and collection of recyclable materials

(a) Single-family residential establishments

1. Single-family residential establishments include residential dwelling units as defined by single family, single family attached, two family attached (twin) and two family semidetached (duplex) in the Township Code.
2. Except as otherwise provided herein, all persons owning or occupying single family residential establishments as defined herein shall separate all recyclable materials generated in their residential establishment from municipal solid waste. Recyclable materials shall be put in the Township issued recycling container and the container shall be placed curbside or in another designated location for collection by the Township or its agents or contractors.
3. Collections of recyclable materials shall be made in accordance with the schedule of areas and dates to be published on the Township's website.
4. Requirements for collection.
 - a. All recyclable materials as designated in this article must be placed in the township issued recycling container for single stream collection.
 - b. Recyclable materials placed in the Township issued recycling container shall not be contained in plastic bags.
 - c. Lids attached to the Township issued recycling container must be kept completely closed to prevent recyclable materials from being blown about or littered on Township streets or on private property.
 - d. The storage of all recyclable materials shall be practiced preventing the attraction, harboring or breeding of insects and/or rodents or vermin and to eliminate conditions harmful to the public health or which create safety hazards, odors, unsightliness and/or public nuisances.
 - e. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in Township issued recycling containers.
 - f. Township issued recycling containers shall be placed at the curbside or other location as designated by the Township for collection. Under no circumstances shall a Township issued recycling container 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.

(b) Multi-family residential establishments

1. Multi-family residential establishments include residential dwelling units as defined by dwelling, multiple family of the Township Code.

2. The owners and occupants of multi-family residential establishments must establish a system source separation, collection, transportation and recycling of the recyclable materials designated in this article. Arrangements for the collection of recyclable materials shall be the responsibility of the owner of the property in which the recyclable materials were generated and/or the person contractually obligated to the owner to arrange for collection and disposal of solid waste and recyclable materials.
3. Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a collection system for recyclable materials. The system must include an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. It must also include the written instructions to the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program.
4. Owners, landlords, or agents of owners or landlords of multi-family establishments must contract with a registered hauler for the for the collection of recyclable materials if their building is not serviced by the Township sponsored single stream recycling program.
5. No persons shall place recyclable materials in containers designed for the collection of recyclable materials.
6. 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 contracted registered hauler. Collection frequency must occur at least bi-weekly or more frequently as to prevent containers from being overfilled with recyclable materials that may cause materials to be blown about or littered on Township streets and private property.
7. 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 contracted state-authorized hauler collecting recyclable materials from the property, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 that provides the requested information from the previous calendar year.

(c) Mobile home parks

1. Mobile home parks include residential dwelling units placed on a parcel of land as designated in the Township Code.
2. The owners and occupants of mobile home parks must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the collection of the recyclable materials shall be the responsibility of the owner of the property in which the recyclable materials were generated and/or the person contractually obligated to the owner to arrange for collection and disposal of solid waste and recyclable materials.
3. Owners of mobile home parks 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 at the property. Owners must provide written instructions to the tenants or occupants of mobile home parks to inform them of the requirement to recycle and the use and availability of the collection program.

4. Owners of mobile home parks must contract with a registered hauler for the collection of recyclable materials.
5. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in containers designed for the collection of recyclable materials.
6. Recyclable material collection frequency shall be set by the owner of a mobile home park and contracted registered hauler. Collection frequency must occur at least weekly or more frequently as to prevent containers from being overfilled with recyclable materials that may cause materials to be blown about or littered on Township streets and private property.
7. The owner of a mobile home park must provide a written report to the Township that lists the contracted registered hauler collecting recyclable materials from the property, the total quantity of each recyclable material collected, and the name affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 providing the requested information from the previous calendar year.

(d) Commercial, industrial, institutional and municipal establishments

1. Commercial, industrial, institutional, and municipal establishments required to recycle under this provision are described in Sections 1-20, 155- and 155-11(d) of the Township Code.
2. The owners or occupants of commercial, industrial, institutional, and municipal establishments must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the collection of recyclable materials designated in this article. Arrangements for the collection of recyclable materials shall be the responsibility of the owner of the property in which the recyclable materials were generated and/or the person contractually obligated to the owner to arrange for collection of recyclable materials.
3. Owners or occupants of commercial, industrial, institutional, and municipal establishments 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 at the property. Owners or occupants must provide written instructions to the tenants, customers, employees, or other individuals to inform them of the requirement to recycle and the use availability of the collection program.
4. Owners or occupants of commercial, industrial, institutional, and municipal establishments must contract with a registered hauler for the collection of recyclable materials.
5. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in containers designed for the collection of recyclable materials.

6. Recyclable material collection frequency shall be set by the owner or occupant of a commercial, industrial, institutional, or municipal establishment and the contracted registered hauler. Collection frequency must occur at least bi-weekly or more frequently as to prevent containers from being overfilled with recyclable materials to be blown about or littered on Township streets and private property.
7. The owner or occupant of a commercial, industrial, institutional, or municipal establishment must provide a written report to the Township that lists the registered hauler collecting recyclable materials from the property, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 providing the requested information from the previous calendar year.

(e) Community activities

1. "Community Activities" required to recycle under this provision are defined in Section 1-20 of the West Brandywine Township Code.
2. The organizers or sponsors of community activities must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the source-separation and collection of recyclable materials shall be the responsibility of the organizers or sponsors.
3. Organizers or sponsors of community activities 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. Organizers and sponsors must provide signage and/or labels to indicate what recyclable materials are to be source separated.
4. Organizers or sponsors must contract with a registered hauler for the collection of recyclable materials.
5. Organizers or sponsors of a community activity must provide a written report to the Township that lists the registered hauler collecting recyclable materials from community activities, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 providing the requested information from the previous calendar year. A separate report must be submitted for each unique community event in the Township.

§ 155-12 Ownership of recyclables

All Recyclables placed out for the Township Recycling collection service shall be owned by and be the responsibility of the owner and/or occupant of the property accumulating and storing said Recyclables until the same are collected. The contractual arrangements between the Township and the Contractor providing Township Recycling collection service shall govern whether ownership and such Recyclables rests with the Township or the Contractor upon its acceptance and collection of the same.

§ 155-13 Hazardous and electronic waste

1. It shall be unlawful for any person to place hazardous or residual waste, as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), in municipal solid waste or 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.
2. It shall be unlawful for any person to place a used lead acid battery in municipal solid 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.
3. In accordance with the Covered Device Recycling Act (CDRA), Act 108 of 2010, no person may dispose of a Covered Device or any of its components with their municipal solid waste. This type of waste requires special collection and disposal arrangements. Covered Devices that may be brought to the Township Building for recycling shall be listed on the Township's website.
4. Information on how to recycle Covered Devices not accepted at the Township Building may be obtained by the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection.
5. Large and small appliances containing Freon may not be combined with municipal solid 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, but are not limited to, refrigerators, freezers, air conditioning units, dehumidifiers, and water coolers.

§ 155-14 Unlawful activities

It shall be unlawful and a violation of this article any person in the Township carry out the following activities.

1. Collection by unauthorized persons – From the time recyclable materials 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.
2. Burning of recyclable materials – The burning of municipal solid waste, recyclable materials, and leaf waste shall be prohibited at all times in the Township. This shall include construction and demolition debris as defined in Chapter 1, Article III of the Township Code municipal waste as defined by Act 101 of 1998, and recyclable materials include leaf waste. Nothing contained herein shall prohibit a farmer from carrying out the normal and customary activities of their farming operations as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. §951 et seq., as

amended by Act 1998-58, provided that such activities are conducted in accordance with applicable laws, rules and regulations.

3. Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit municipal solid waste, recyclable materials, leaf waste or any other refuse on any private or public property or grounds in the Township.
4. Overfilling containers – Containers of municipal solid waste, recyclable materials, leaf waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
5. Storing/stockpiling materials – It is prohibited for any person in the Township to store, process, or dispose of any regulated municipal solid waste or recyclable materials except at a facility or in preparation for the collection by the Township or registered hauler as provided herein. Notwithstanding the foregoing, leaf waste may be composted onsite of the property in which it was produced.
6. Prevention of duties – It is unlawful for any person in the Township to hinder, prevent, or obstruct the Township or registered haulers from carrying out their duties as outlined in this article or in its enforcement.

§ 155-15 Hauler prohibitions

It shall be unlawful and a violation of this article for any registered hauler operating in the Township to:

1. Collect or Transport any municipal solid waste, recyclable materials, or leaf waste from any person failing to source-separate recyclable materials as required herein.
2. Comingle source-separated recyclable materials or leaf waste collected with municipal solid waste.
3. Fail to provide for the proper management of any municipal solid waste, recyclable materials, and leaf waste collected or transported in the Township.
4. Collect or transport any municipal or solid waste, recyclable materials, or leaf waste in a manner that causes or allows said materials to fall upon Township streets or roads or on private or public property.
5. Fail to place collection containers in their designated locations off roadways and sidewalks after collection of materials.
6. Not comply with the annual reporting requirements as required in this article by the Township.

§ 155-16 Refusal to collect municipal solid waste and recyclable materials

The Township or registered haulers providing municipal solid waste and recyclable material collection services in the Township may refuse to collect municipal solid waste from any person that has clearly failed to source-separate recyclable materials designated under this article. Furthermore, the Township or

registered hauler providing recyclable material collection services in the Township may refuse to collect recyclable materials that are contaminated with non-recyclable materials or municipal solid waste.

Article III Administration of Solid Waste & Recycling Programs

§155-17 Collection fees

1. West Brandywine Township Board of Supervisors shall establish the annual fee for the collection of residential solid waste and recycling by resolution. at its yearly organizational meeting, the established fee shall become part of the Township annual budget.
2. Collection fees established shall be billed to the landowner in January and due by April 1, of the billing year, fees received by the Township after April 1 of the billing year are subject to a 10% penalty. Additionally, Fees received after April 1 of the billing year interest at a rate of 1% per month shall be charged on the fee and penalty. All fees, including penalties, interest and charges received after October 1 of the billing year shall be deemed delinquent.
3. All delinquent collection fees including penalties, interest and charges may be liened against the property on the date at which the service was received and collected in accordance with the Municipal Claim and Tax Lien Law 53 P.S. § 7101, *et seq.* The township also reserves the right to initiate any other legal or equitable proceeding permitted by law to collect required fees, penalties and interest.

§155-18 Enforcement

The Township Code Enforcement Officer shall be authorized to enforce the provisions of this Chapter. The Township Treasurer shall be authorized to enforce the collection fees required under § 155-17. An inspection may consist of sorting through containers of municipal solid waste and opening bags of municipal solid waste to detect the presence of recyclable materials or inspecting containers of recyclable materials to detect the presence of solid waste.

§ 155-19 Violations and penalties

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

1. The Township shall impose a penalty for a violation of this Chapter for first time offenders in an amount not too exceed \$100.00.
2. Except as provided in subparagraph (3) below, when the penalty imposed for the violation of an ordinance is not voluntarily paid to the township, the township shall initiate a civil enforcement proceeding before a district justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. A violator shall be subject to a civil fine in amount not too exceed \$600.00 per offense, plus reimbursement of court costs and the reasonable attorney fees incurred by the Township in the enforcement proceedings. Each day's continuance of a violation shall constitute a separate offense.

3. Injunctions. In addition to any other remedy provided by Act 101 or this Chapter, an action may be brought by the Township, upon recommendation of the Township Solicitor, in a court of competent jurisdiction for an injunction to restrain any and all violations of Act 101 or this Chapter, or to restrain any public nuisance.

§ 155-20 Amendment Procedure

This article or any part thereof may be amended from time to time in accordance with the procedures as established by law.

§ 155-21 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provision of this Ordinance are declared severable.

§ 155-22 Renumbering

The location and numerical designation of the ordinance sections herein may be renumbered at the discretion of General Code Publishers for codification purposes.

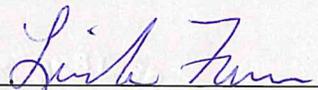
§ 155-23 Effective date.

This amended article shall become effective five (5) days from enactment.

ENACTED and ORDAINED this 17th day of October 2019.

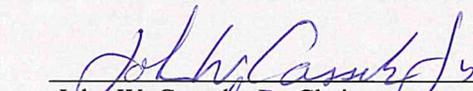
ATTEST:

**BOARD OF SUPERVISORS
WEST BRANDYWINE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

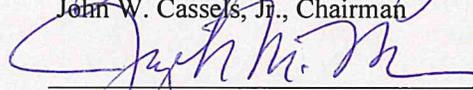


Linda Formica, Secretary

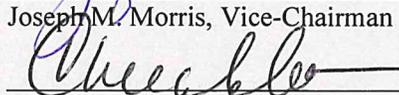
Seal



John W. Cassels, Jr., Chairman



Joseph M. Morris, Vice-Chairman



Charles A. Dobson, Supervisor