

CHARLESTOWN TOWNSHIP RECYCLING ORDINANCE

ORDINANCE NO. 2009-153

AN ORDINANCE TO REGULATE THE COLLECTION OF MUNICIPAL WASTE AND RECYCLABLE MATERIALS FROM RESIDENCES AND COMMERCIAL, INDUSTRIAL, INSTITUTIONAL ESTABLISHMENTS IN CHARLESTOWN TOWNSHIP; TO REQUIRE THE SEPARATION AND RECYCLING OF ALL RECYCLABLE MATERIALS; TO ADOPT REGULATIONS THEREFORE; AND TO ESTABLISH PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Charlestown Township, Chester County, Commonwealth of Pennsylvania, as follows:

SECTION I. BACKGROUND

A. Existing Ordinance Description

The Charlestown Township Recycling Ordinance is hereby revised by rescinding the Recycling Ordinance enacted on June 5, 1991, and adopting the following:

B. Legislative History

This Ordinance is adopted pursuant to Article 1, Section 27, of the Constitution of Pennsylvania, and Municipal Waste, Planning, Recycling and Waste Reduction Act, Act of Assembly, July 28, 1988, No. 101, 53 P.S. 4000.101 et. seq. ("Act 101"), for the following purposes:

1. Section 27 of Article I of the Constitution of the Commonwealth of Pennsylvania provides that the people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people; and
2. Act 101 provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and
3. The conservation of recyclable materials has become an important public concern because of the increasing necessity to protect our natural resources and the environment in Charlestown Township; and
4. The collection of municipal waste and recyclable materials from residences and commercial, industrial, and institutional establishments within Charlestown Township promotes the general public interest.

C. Short Title

This Ordinance shall be known as the "Charlestown Township Municipal Waste and Recycling Ordinance" and the same may be cited in that manner.

D. Purpose

Charlestown Township, recognizing the collection of municipal waste within the Township must be regulated to protect the health, safety, and welfare of the Township's residents, and recognizing that the reclamation of recyclable materials has become an important method for addressing the growing municipal waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, and transportation of solid waste and recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act (No. 101), the Chester County Solid Waste Management Plan, and this Ordinance.

SECTION II. DEFINITIONS

The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

Authority: Chester County Solid Waste Authority

Cans: Aluminum cans (i.e. soda), tin (steel) cans; all food cans (i.e. vegetables, fruit, pet food, juice, coffee, etc., including large economy size), aluminum pie tins and foil.

Commercial Establishment: Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. Multi-family dwellings, townhomes, mobile home parks, hotels, motels, mixed use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. This term does not include properties where primary permitted use is residential and accessory use is commercial (i.e., home occupations as defined by the Charlestown Township Zoning Ordinance).

Community Activities: Church, school, civic, service group, municipal functions, and all other such functions conducted within Charlestown Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by two (200) or more individuals per day.

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

Corrugated Paper: Structural paper material with an inner core shaped in rigid parallel furrows and ridges. (i.e. cardboard)

Curbside Recycling Collection: The scheduled collection and transportation of recyclable materials placed at the curb line or other area designated by the collector.

Customer: The owner of any residential, commercial, industrial, or institutional property located within the Township.

Designated Agent: An agent acting on behalf of the Township.

Drop-Off Sites: Those specified locations, staffed or un-staffed, where recyclable materials may be taken at specified times.

Dwelling: Any building or other structure designed and occupied exclusively for residence purposes, including an apartment and mobile home, but excluding rental units in a motel, rooming house, institutional home, dormitory, and the like.

Enforcement Officer: The official designated herein or otherwise charged with the responsibilities of administering this ordinance, or the official authorized representative.

Exclusive Contract: An agreement entered into by Charlestown Township, or its designated agent, with a private person or corporation for the collection and disposal of all municipal waste within Charlestown Township to the extent provided by this ordinance and the agreement.

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: All white paper, bond paper, and computer paper used in commercial, industrial, institutional and municipal establishments.

Household Hazardous Waste: Waste generated by a household that could be chemically or physically classified as a hazardous waste under the rules and regulations of the US Environmental Protection Agency and the Commonwealth of Pennsylvania but are specifically excluded from these regulations when purchased, used, and stored by and within households. Examples include: drain cleaners, pesticides and oil-based paints.

Industrial Establishment: Any establishment engaging in manufacturing or processing including, but not limited, to factories, foundries, mills, processing plants and refineries.

Institutional Establishment: Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Large Household Items: Such items as stoves, water tanks, washing machines, furniture, and mattresses not containing hazardous materials and other non-hazardous items other than Construction Debris.

Lead Acid Batteries: Shall include, but not be limited to, automotive, truck and industrial batteries that contain lead.

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

Magazines and Catalogs: Glossy publications including catalogs.

Municipal Solid Waste: Any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semi-solid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial, 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 from a municipal, commercial, industrial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facilities. (Pennsylvania Act 101, Section 103). The term does not include source separated recyclable materials.

Municipal Waste Collector: Shall mean any person collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Charlestown Township, and any business or institution within Charlestown Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection or transportation of municipal waste or recyclable materials in compliance with and registered with the Township for such activity.

Newspaper: All paper of the type commonly referred to as newsprint and distributed at fixed intervals having printed thereon news and opinions, containing advertisements and other matters of public interest including glossy inserts.

Person: An 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 Containers: 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, or may not, be recycled.

Recyclable Materials: All items and materials set forth in Appendix A - List of Materials Required to be Recycled, attached hereto and specifically incorporated herein as part of this Ordinance.

Refuse: All solid waste including garbage, ashes and rubbish and all residential waste classified as municipal waste under Act 101.

Refuse Container: A container used for the storage and collection of Refuse placed at the street or curb for collection.

Residential: (see Dwelling)

Single Family Residential Unit: A structure within the township occupied exclusively as a residence for only one family, typically one address for property tax purposes.

Solid Waste: Solid Waste as defined in the Act of July 7, 1980, P.L. 380 No. 97 known as the Solid Waste Management Act including, Construction Debris, Municipal Waste, and Vehicle Wastes.

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 Charlestown Township, County of Chester, Pennsylvania.

Yard Waste: Leaf Waste and garden wastes, shrubbery and tree trimmings, grass clippings. The term also includes vegetative kitchen scraps that are generated within Single Family Residential Units. The term does not include meat and dairy scraps or Agricultural Wastes.

SECTION III. GENERAL

It shall be unlawful for any person to deposit, dump, burn, bury, spill, throw or place any Refuse or Recyclable Material within the Township, except in compliance with all applicable regulations.

A. Refuse Disposal.

- 1) All Refuse shall be collected, stored and disposed of by a Municipal Waste Collector registered with Charlestown Township in compliance with the provisions of this Ordinance.
- 2) All owners, occupants or tenants of Residential Dwellings, and Commercial, Industrial and Institutional Establishments in the Township shall contract, at their sole cost and expense, for the collection of Refuse on a weekly basis. Such contracts shall only be with a Municipal Waste Collector registered with Charlestown Township.
- 3) All Refuse presented for at the street or curb for collection must be in a Refuse Container or securely bailed and must be collected and removed within 20 hours.

B. Recyclable Materials.

- 1) All Recyclable Materials generated within the Township shall be collected by a Municipal Waste Collector who is registered by the Township.
- 2) All Recyclable Materials shall be separated from Refuse at their point of origin and shall not be considered Refuse. Recyclable Materials shall not be required to be disposed of as Municipal Waste at Chester County Solid Waste Authority facilities.
- 3) All owners of Residential Dwellings, and Commercial, Industrial and Institutional Establishment in the Township shall contract, at their sole cost and expense, for the separate collection of Refuse and Recyclable Materials. Such contracts shall only be with a Municipal Waste Collector registered with Charlestown Township.
- 4) All owners, occupants or tenants of Residential Dwellings, and Commercial, Industrial and Institutional Establishments in the Township shall separate Recyclable Materials from Refuse presented for collection.

SECTION IV. STORAGE AND COLLECTION OF REFUSE AND RECYCLABLE MATERIALS

The storage and collection of all Residential Refuse and Recyclable Materials shall comply with the following:

- A. All Residential Refuse shall be contained to prevent rain accumulation and animal access. Refuse Containers such as those typically supplied by a Municipal Waste Collector may be used to store Refuse. Any Refuse Containers not fitted for lifting and dumping by mechanical means must be light enough to be lifted by two adults (generally less than 110 pounds).
- B. Township residents are responsible for providing the Refuse Containers required to store and collect the Residential Refuse generated by the operation of their individual households.
- C. All Refuse that contains liquid or semi-liquid materials shall be securely sealed to prevent leakage during storage and collection.
- D. Refuse shall be adequately contained so as not to become dispersed during the storage and collection process.
- E. The interior of Refuse Containers shall be kept clean by rinsing and disinfecting as often as is necessary in order to prevent odor and accumulation of residue.
- F. Each Refuse Container shall be securely closed and placed at curbside on days and times designated by the Municipal Waste Collector or Township for collection. Curbside refers to that portion of right-of-way adjacent to Township roads, or approved private roads. Refuse 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.
- G. Bulk containers, such as dumpsters used to store and remove Construction Debris and other heavy trash (excluding Large Household Items) shall be placed at ground level at a point on the residential property which will not interfere with or endanger the movement of vehicles or pedestrians including sight obstruction, and will enable clear and easy access to the container by the collector's vehicle.
- H. The storage and collection 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.
- I. Storage and collection of Township designated Recyclable Materials shall be handled separately from other Refuse. Recyclable Materials shall be separated from Refuse and placed in separate containers.
- J. Recyclable paper shall be placed and presented for collection in bundles secured with string or twine or placed in common type paper bags, but not in plastic bags, so that that bundles can be handled and loaded efficiently and without breaking or separating.

- K. Recyclable glass shall be clean, rinsed, free of all caps, cap rings, Styrofoam labels, food, contents, debris and other materials (except paper labels) and placed and presented for collection in a container used for that sole purpose.
- L. Recyclable metal containers shall be clean, rinsed, free of food, contents, debris and other material (except paper labels) and placed and presented for collection in a container used for that sole purpose.

SECTION V. REGISTRATION OF MUNICIPAL WASTE COLLECTORS IN THE TOWNSHIP

- A. Only a registered Municipal Waste Collectors may contract to and/or collect Refuse and/or Recyclable Materials within the Township. No one shall contract for the collection of refuse except with a registered Municipal Waste Collector. Application for a registration shall be made at the Township, on a form prescribed by the Township, and shall be valid for one year unless otherwise noted. A registration fee may be established, from time to time, by Township resolution.
- B. Registration Applications. Applicants for a Municipal Waste Collector must furnish the following information:
 - (1) The location, addresses, hours of business and telephone numbers for the licensee's business office(s) to receive calls, visits or correspondence from persons in the Township who receive collections service. Any changes in this information, after the license has been issued, shall be reported within 10 days to the Township.
 - (2) Proof of insurance. Certificate(s) of insurance evidencing the coverages required above shall be filed with the Township prior to the furnishing of services under this license. Such certificate(s) shall provide that the insured will give the Township not less than 10 days' advance notice of any changes in, or cancellation of, coverage. The following insurance coverage is required:
 - a) Workers compensation insurance as required by law.
 - b) Comprehensive general liability, bodily injury and property damage, including contractual liability, in a combined single limit of at least \$3,000,000.
 - c) Comprehensive vehicle liability, bodily injury and property damage in a combined single limit of at least \$3,000,000.
 - (3) Proof of Pennsylvania Department of Environmental Protection approval of disposal site(s) for all Refuse to be collected pursuant to such registration.
 - (4) Any other relevant information which the Township deems necessary.
- C. All vehicles to be used to collect and haul refuse shall:
 - (1) Comply with all applicable federal, state and local regulations;

- (2) Have enclosed bodies or, with respect to those used for bulky pickup, have the body covered with a tarpaulin or canvas or other suitable cover to prevent the loss of the contents during transport;
 - (3) Have watertight bodies of easily cleanable construction and shall be kept clean to prevent odor and propagation or attraction of vectors; and
 - (4) Shall be in good repair and safe condition at all times.
- D. Failure of a registered Municipal Waste Collector to comply with the provisions of this article shall result in the revocation of its registration.

SECTION VI. REPORTING OF RECYCLING BY REGISTERED COLLECTOR

- A. All Municipal Waste Collectors must report quarterly to the Township the total amount of Recyclable Materials collected for the quarter. The Municipal Waste Collector shall also provide a yearly total collected in the first quarter of a current year for the previous year's collection. The quarterly and yearly reports shall contain a listing of types of recyclable material collected as set forth in Appendix A attached hereto, whether it was collected from Residential, Commercial, Industrial or Institutional uses and to what facility the recyclable materials were taken.
- B. The Township may establish through resolution, from time to time, additional rules and regulations relating to the separation, preparation, placement and collection of Recyclable Materials and any other matters required to implement this Ordinance
- C. The Township or its designated agent, may, through a competitive bidding process, award an exclusive service contract for all or part of residential recycling collection.

SECTION VII. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ESTABLISHMENTS AND MULTIFAMILY RESIDENTIAL REFUSE AND RECYCLABLE MATERIALS

- A. Every owner of a Commercial, Industrial or Institutional Establishment, or Multi-Family Residential unit or units, such as an apartment complex, or any premises other than a Single-family Residential Dwelling, shall provide for storage and collection of Refuse and Recyclable Materials as provided for in this section and in compliance with all applicable state and federal regulations and shall contract with a Municipal Waste Collector registered with Charlestown Township.
- B. Owner's duty to require and assist recycling. Owners of rental properties shall establish and enforce a waste collection system for tenants that will result in the requisite separation of Recyclable Materials for collection by a Municipal Waste Collector. Such a system shall involve suitable containers for the Recyclables Materials and written instructions to tenants identifying the materials to be recycled.
- C. Duty of nonresidential establishments to require and assist recycling. Nonresidential establishments shall develop, implement, enforce and maintain a waste collection system for employees and others at the premises so that Recyclable Materials will be separated as required for collection by a Municipal Waste Collector. Such a system shall involve suitable containers for the Recyclables Materials and written instructions to employees identifying the materials to be recycled.

SECTION VIII. ILLEGAL DUMPING AND OPEN BURNING

- A. No person shall store, process or dispose of any regulated Solid Waste or Recyclable Material except at a facility or in preparation for collection by a Municipal Waste Collector as provided herein. Notwithstanding the foregoing, Yard Waste and/or Leaf Waste may be composted.
- B. Any accumulation, dumping or depositing of Refuse on any private or public property or grounds within Charlestown Township is hereby prohibited.
- C. No person shall process or dispose of any Recyclable Materials including Yard Waste through open burning.

SECTION IX. COLLECTION BY UNAUTHORIZED PERSONS

It shall be a violation of the Ordinance for any person(s) to collect or remove or cause to be collected or removed any such recyclable materials specified by the Township rules and regulations unless authorized by the Township. Each such collection in violation hereof shall constitute a separate and distinct offense.

SECTION X. ALTERNATIVE DISPOSITION OF RECYCLABLE MATERIALS

Any person may donate or sell Recyclable Materials to individuals or organizations. Otherwise, such materials are to be placed at curbside, in drop-off facilities or storage bins or similar authorized locations for collection by the exclusive contractor or licensed hauler as applicable. Drop-off facilities may be sited for use by residents of Chester County, outside of Charlestown Township, not serviced by a curbside route.

SECTION XI. SPECIAL ITEMS

Lead Acid Batteries. No person shall discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler or to a collection or recycling facility authorized by the Commonwealth of Pennsylvania.

SECTION XII. VIOLATION AND PENALTIES

It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this Ordinance, or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Board of Supervisors pursuant to this Ordinance..

- A. Any person who violates or fails to comply with or cause a violation of any provision of this Ordinance, upon conviction thereof in a summary proceeding, shall be punishable by a fine of not less than \$100 nor more than \$600 for each violation.
- B. The property owner is jointly and severally liable with the tenant and/or occupant for any violation.
- C. Each day's continuance of a violation of this Ordinance shall constitute a separate offense for which a separate penalty may be imposed.

D. The Township Code Enforcement Officer is authorized to enforce the terms of this Ordinance by appropriate proceedings in law or equity.

SECTION XIII. CONSTRUAL OF PROVISIONS

The terms and provisions of this Ordinance are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof.

SECTION XIV. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of the Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION XV. APPLICABILITY

This Ordinance shall be subject to all applicable federal, state, and municipal laws and ordinances as well as rules and regulations as set forth by the Department of Environmental Protection, Commonwealth of Pennsylvania.

SECTION XVI. EFFECTIVE DATE

This Ordinance shall become effective with five (5) days of adoption by the Board of Supervisors of Charlestown Township. Sections of this Ordinance relating to Commercial, Industrial, and Institutional establishments shall become effective sixty (60) days after adoption.

ORDAINED AND ENACTED by the Board of Supervisors of Charlestown Township this 4th day of May, 2009.

BOARD OF SUPERVISORS
CHARLESTOWN TOWNSHIP

Charles Philips, Chairman

Kevin Kuhn

Paul J. Hogan, Member

Michael J. Rodgers, Member

Hugh D. Willig, Member

ATTEST:

Linda Csete, Secretary

APPENDIX A – MATERIALS FOR RECYCLING

Cans: Aluminum
Cans: Bimetal (tin)
Cans: Steel

Cardboard: Corrugated

Glass: Clear
Glass: Green
Glass: Brown

Paper: Brown Bags
Paper: Box Board
Paper: Catalogs
Paper: Bulk Mail
Paper: Newsprint
Paper: Office
Paper: Periodicals
Paper: Phone Books

Plastics: #1 PET or PETE (Polyethylene Terephthalate)
Plastics: #2 HDPE (high density polyethylene)
Plastics: #3 V (Vinyl or PVC)
Plastics: #4 LPDE (Low Density Polyethylene)
Plastics: #5 PP (Polypropylene)
Plastics: #6 PS (Polystyrene)
Plastics: #7 Miscellaneous