

**NEW LONDON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2014-6**

**AN ORDINANCE REGULATING THE COLLECTION, TRANSPORTATION, AND
DISPOSAL OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS, AND
PROVIDING FOR THE REGISTRATION OF HAULERS AND PENALTIES FOR
VIOLATION OF THIS ORDINANCE.**

ARTICLE I

General

Section 100: Short Title

This Ordinance shall be known and may be cited as the "New London Township Municipal Solid Waste Collection and Recycling Ordinance".

Section 101: Purpose

It is the intent and purpose of this Ordinance to promote the public health, safety, and welfare, to outline the benefits of recycling and reduction of municipal solid waste, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all residential, commercial, and institutional municipal solid waste accumulated or stored upon any property within the Township shall be collected, transported, and disposed of within the following conditions:

- A. All municipal solid waste shall be collected and removed by a municipal waste collector who shall be registered with the Township;
- B. All developed properties shall be served by a registered municipal waste collector;
- C. All municipal solid waste shall be disposed of at a facility approved by the Township in accordance with state, federal and county laws and ordinances.
- D. The separation of certain materials from the refuse/waste stream, known as source separation, by households and municipal, institutional, and commercial establishments.
- E. The establishment of a recycling program.

These conditions are established to ensure Township compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act of July 8, 1988 (P.L. 528, No. 101), ("Pennsylvania Act 101").

Section 102: Definitions

As used in this chapter the following terms shall have the meaning indicated.

ACT 101: see Municipal Waste Act.

ALUMINUM PRODUCTS: Empty 100% aluminum beverage and food containers, foil, and pie tins.

BI-METAL CONTAINERS: Empty food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

BOARD: The Board of Supervisors of New London Township.

BULK WASTE: All waste materials not suited for collection in ordinary containers due to size, shape, and/or weight. Examples of bulk waste include: furniture, appliances (but not containing freon), carpeting, and similar items. Bulk waste shall not consist of any items that may be packaged and disposed of using regular trash collection procedures.

CLEAR GLASS: Empty bottles, jars, food or beverage containers made of clear transparent glass. Expressly excluded are non-container glass; plate glass; blue, green, or brown glass; porcelain and ceramic products; automotive glass; and light bulbs.

COLORED GLASS: Empty bottles, jars, food or beverage containers made of green, brown or other colored glass.

COMMERCIAL PROPERTIES: All properties used for industrial or commercial purposes, provided that multi-family residential buildings, including residential units over store front commercial business, containing three (3) or more dwelling units, shall be treated as commercial properties.

COMMUNITY EVENTS: Events that attract, or are intended to attract, 100 or more persons and are sponsored in whole or in part by the Township or conducted within the Township and sponsored privately. Said events shall include but are not limited to fairs, bazaars, socials, picnics and organized sporting events.

COMPOST: The end product of composting; a dark, partially decomposed material similar to natural organic matter found in the soil.

COMPOSTING: A process involving the microbial decomposition of organic matter.

CONSTRUCTION DEBRIS: Customary, non-hazardous waste building materials resulting from construction, remodeling, repair, or demolition operations involving houses, pavement, commercial buildings, and other structures.

CONTRACTOR: A private firm awarded a contract to perform a service.

CORRUGATED CARDBOARD: Any paper product formed or shaped into wrinkles or folds or into alternating ridges and grooves, including but not limited to cardboard or paperboard.

DISPOSAL FACILITY: A facility which processes or acts upon solid waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility or a sanitary landfill.

DWELLING UNIT: An occupied single or multi-family structure having up to, and including, four dwelling units per structure, or each unit in a multi-family structure if the units are individually owned with a separate entrance onto a public or approved private street.

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

FARM USE: Any number of continuous lots comprising, in the aggregate, five (5) or more acres under common control by way of ownership or lease, used in whole or in part for agricultural purposes including, without limitation, the growing of crops or the keeping of farm animals,

including without limitation, cattle, horses, goats, sheep, alpacas, or maintained in anticipation of farm use as set forth herein.

GARBAGE: All table, animal, grain, fruit, and vegetable waste resulting from the handling, preparation, cooking and consumption of foods.

GENERATOR: Any person who generates leaf waste, recyclable materials or municipal solid waste.

GLASS CONTAINERS: Bottles and jars made of clear, green, or brown glass. Expressly excluded are non-container glass, plate glass, blue glass, and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER: Computer paper and office stationery, but not including newsprint and corrugated paper.

HOUSEHOLD HAZARDOUS WASTE: Any solid waste or combination of solid wastes, as defined in Pa. Act 97, that is generated by a household and which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: [i] cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or [ii] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

INSTITUTIONAL ESTABLISHMENT: Those facilities that house or serve groups of people, e.g., hospitals, schools, nursing homes, assisted living facilities.

LEAF WASTE: Leaves, garden residues, shrubbery and tree trimmings, or similar materials, but not including grass clippings.

MEDICAL WASTE: All waste materials generated at health care facilities, such as hospitals, clinics, physician's offices, dental practices, blood banks, and veterinary hospitals/clinics, as well as medical research facilities and laboratories, in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. This definition includes, but is not limited to, blood-soaked bandages, culture dishes and other glassware, discarded surgical gloves, instruments, needles, cultures, stocks, swabs, organs, and lancets. Medical wastes generally fall into one of four categories: infectious, hazardous, radioactive, and other general wastes from healthcare and medical facilities.

MIXED PAPER: Bulk mail, magazines, mixed office paper, catalogs, cereal boxes, and the like (without inside packaging).

MISSED COLLECTION: A single incident of failure by the contractor to collect municipal solid waste or recyclables placed at the approved collection area on the day and time designated for collection. A determination of a missed collection shall be in the sole judgment of the Township, based on information received from Township residents.

MUNICIPAL SOLID WASTE: Collectively, all garbage, refuse, bulk waste, grass clippings, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from a person and normally collected by a solid waste collector, and not meeting the definitions of residual or unacceptable waste in this section. The term does not include recyclable materials.

MUNICIPAL WASTE ACT: The Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, No. 101, 53 P.S. § 4000.101 et seq, as may be amended from time to time.

MUNICIPAL WASTE COLLECTOR: Any individual collecting or transporting municipal waste, bulk waste, recyclable materials, and/or yard waste for owners or occupants of property in New London Township, and any business or institution within the 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.

MUNICIPALITY/TOWNSHIP: The governmental jurisdiction and legal entity of the Township of New London in the County of Chester, Pennsylvania.

NEWSPAPERS: 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. Expressly excluded are newspapers that have been soiled.

PERSON: Any resident, individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth of Pennsylvania institution or agency, or any legal entity whatsoever which is recognized by law as a subject of rights and duties.

PLASTIC: All containers made of plastic, including those marked with #1 through #7 recycling symbols. Styrofoam, foam, and polystyrene items are excluded from this definition.

RECYCLABLE MATERIALS: Waste materials that are specified by the Township to be source separated from municipal solid waste and collected for resale and/or reuse. Such materials shall include, but need not be limited to: corrugated cardboard; aluminum containers (food/beverage-related only); ferrous, bi-metal, and plastic containers; clear and colored glass containers; newspapers; high-grade office paper; mixed paper; and leaf waste. Recyclable materials do not include batteries, cfl bulbs, or household hazardous waste.

REFUSE: All municipal solid waste, as defined in this section, that is discarded for ultimate disposal, whether or not the material is permitted to be collected or disposed of in accordance with this chapter, but excluding the following categories of solid waste:

- a. Bulk waste, including tires and appliances
- b. Construction/demolition waste
- c. Sludge
- d. Infectious/pathological waste
- e. Ash residue
- f. Friable asbestos waste
- g. Source-separated recyclable materials
- h. Household hazardous waste
- i. Oversized refuse items
- j. Grass clippings
- k. Leaf waste
- l. Unacceptable waste

RESIDENT: Any person who owns, leases, or occupies a property located in the Township for use as a residence.

RESIDENTIAL ESTABLISHMENT: Any occupied single-family, two-family, or multi-family dwelling.

RESIDUAL WASTE: Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, and agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, wastewater treatment facility, or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law. (Pennsylvania Act 101, Section 103).

SECCRA: Southern Chester County Refuse Authority.

SELF-DELIVERY: The collection, transport, and delivery of municipal solid waste, other acceptable waste, recyclable materials, household hazardous waste, or prohibited materials by a person to a state-permitted or state-approved program or facility that accepts the materials delivered.

SOURCE SEPARATION: Shall mean the separation of recyclable materials from municipal waste at the point of origin for the purpose of recycling.

UNACCEPTABLE WASTE: The following categories of solid waste:

- a. hazardous waste
- b. residual waste
- c. medical waste, including un-sterilized or unprocessed infectious or pathological waste
- d. chemotherapeutic waste
- e. gas cylinders
- f. explosives and ordnance materials
- g. liquid waste (i.e., containing less than 20% solids by weight or flowable)
- h. drums, barrels, and buckets unless lids have been removed and interiors are cleaned and free of any residue
- i. radioactive materials
- j. any solid waste generated outside of the Township

YARD WASTE: Leaf waste, Christmas trees, and similar organic material, including grass clippings.

ARTICLE II

HANDLING AND DISPOSITION OF MUNICIPAL SOLID WASTE

Section 200: Municipal Solid Waste Collection and Disposal

- A. Collection of municipal solid waste generated by persons throughout the Township shall be made by a registered municipal waste collector, or by self-delivery according to the provisions contained hereafter.
- B. All property owners shall be required to: [i] provide proof of a contract with a registered municipal waste collector, or [ii] obtain Township certification for approved self-delivery

of municipal solid waste at a State-permitted disposal facility, and shall comply with all provisions of this ordinance.

- C. Frequency of collection shall be as established in the contract with the registered municipal waste collector, but shall not be less frequent than is necessary to satisfy the health, safety, and welfare needs of the Township's residents and property owners, as is determined by the Board of Supervisors from time to time by resolution.
- D. Containers for municipal solid waste, recyclable materials, bulk waste, and yard waste set out for collection shall be placed at the street or alley curb or at the end of the driveway of the property from which collected, but in no case within the paved cartway of the street or alley. It is the responsibility of residents to place their containers at curbside in time for collection by the municipal waste collector, but not earlier than dawn on the day prior to scheduled collection. Containers shall not be placed in a location which obstructs a public sidewalk or which impedes clear vision for motorists traveling on the adjacent street or at intersections. Containers shall be taken inside or removed from the curbside no later than dusk on the day following the scheduled collection day.
- E. The resident or owner of every single-family dwelling shall use a leak-proof, securely covered, outdoor municipal waste container, a minimum of 30 gallons in size and manufactured for such purpose. The container(s) shall be of such size and number that all municipal waste from the resident's household is placed securely therein and none shall be placed outside a container.
- F. Residents and property owners are responsible for securing all municipal solid waste and yard waste within the container that is placed at curbside, and to prevent the blowing or scattering of such materials on to road surfaces or any public or private property.
- G. Owners, landlords, or residents of multi-family residential dwellings with two or more units including, but not limited to, rental townhouses, condominiums, and apartments shall comply with their responsibilities under this ordinance by establishing a common system for the collection of municipal solid waste and recyclable materials for all residents of such property by a registered municipal waste collector.
- H. Commercial, institutional, and municipal establishments shall provide leak-proof, securely covered containers sufficient in size and placed in a location not visible from the street or adjacent residential properties. Container security or secure enclosures constructed of wood or other appropriate material so as to be consistent with the surrounding landscape shall be provided where the location is within 100 feet of another residence or 20 feet of a street. Enclosures shall be provided when containers cannot be shielded by natural features or placed in such a location to be shielded from view. Properties within the New London Village District shall comply with the terms of Section 1-2203-1-I-1-c regarding the location of municipal waste collection facilities and containers.
- I. In addition to the requirements of Subsections E, F, and G, above, pending disposal as herein authorized, municipal waste must be stored in covered containers only and in such limited quantities and for such limited period of time as shall ensure that no annoyance, nuisance, odors, rodents, scavenging animals, visual impact to neighbors, or health

hazard beyond or in advance of the scheduled day for collection by a municipal waste collector shall be created or maintained thereby.

- J. When requested in writing by the Township, the owner of any real estate within the Township shall present proof, adequate in the judgment of the Township-authorized representative, that the owner of said real estate has a current arrangement to dispose of municipal waste generated on the premises at a frequency that complies with the standard established by the Board of Supervisors. The owner of the premises shall have 72 hours to provide proof to the Township-authorized representative that a current arrangement for proper collection and disposal, sufficient to satisfy the terms and conditions of this chapter, exists.

Section 201: Unlawful Disposition of Municipal Solid Waste

It shall be unlawful for any person to bring any municipal solid waste into the Township or to transport municipal solid waste from one address to another within or outside of the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection. Refuse may not be brought into the Township for the purpose of disposal therein, nor may refuse be disposed of within the limits of the Township by burning or burial

Section 202: Bulk Waste

Bulk waste shall be separated from municipal solid waste. Disposal of bulk waste shall be in accordance with the Chester County Solid Waste Management Plan at a State-permitted disposal facility, or a facility designated by the Township to take such bulk waste. Registered municipal waste collectors must provide for collection of bulk waste. Generators of bulk waste may, alternatively, undertake self-delivery of bulk waste consistent with the terms of this section.

Section 203: Construction Debris

Waste materials resulting from the construction, structural alteration, repair, or demolition of buildings or structures are not considered municipal solid waste and therefore shall be separated from municipal solid waste for disposal as permitted by applicable Township, state, and federal laws and regulations as may be in effect, or as subsequently imposed.

Section 204: Collection and Transport by Self-delivery

Self delivery of municipal solid waste to state-approved locations or disposal facilities within or outside the Township is permitted. Those persons using the self delivery method must comply with all other provisions of this ordinance, including but not limited to the methods and minimum frequency of removal as outlined herein on the same basis as provided by a commercial collector. All loads must be covered and vehicles shall not permit any materials from leaking and/or escaping the vehicle.

ARTICLE III

HANDLING AND DISPOSITION OF RECYCLABLES

Section 300: Separation of Recyclable Materials.

There is hereby established a program for the mandatory source-separation and collection of recyclable materials within New London Township. The occupant or owner of any residential establishment shall separate recyclable materials and leaf waste from municipal solid waste. In

addition, commercial, institutional, and municipal establishments and community events shall be responsible for the separation and collection of recyclable materials as described in Sections 303 and 304. No person shall dispose, collect, treat, remove, or transport recyclable materials or leaf waste within the Township except in accordance with this ordinance.

Section 301: Residential Collection

- A. When placed at the curb for collection in accordance with the provisions of this ordinance, recyclable materials as defined in Section 102 of this ordinance, shall be placed in separate, reusable containers which clearly identify the contents as recyclables. No person shall place municipal solid waste in containers designated for the separation and collection of recyclables. No person shall place recyclable materials in containers used for the separation and collection of municipal solid waste.
- B. Collection of residential recyclable materials may be concurrent with the collection of municipal solid waste from residential properties, or may be on a different schedule than municipal solid waste collection. Days and times of collection shall be as established by contract between the resident or property owner and the registered municipal waste collector. In no case shall collection of recyclable materials by a municipal waste collector be less frequent than once per month.
- C. It is the responsibility of residents and property owners to place their containers at curbside in time for collection by the municipal waste collector, but not earlier than dawn on the day prior to scheduled collection. Containers shall be taken inside or removed from the curbside no later than dusk on the day following the scheduled collection day.
- D. Residents and property owners are responsible for securing all recyclable materials within the designated container that is placed at curbside, and to prevent the blowing or scattering of such materials on to road or alley surfaces or any public or private property.
- E. From the time of placement of recyclable materials at the curb for collection by a registered municipal waste collector, pursuant to this ordinance, the recyclable materials shall become the property of the collector. All such materials shall be delivered to a recycling facility consistent with the Chester County Solid Waste Management Plan.
- F. It shall be a violation of this ordinance for any person not authorized by the Township to collect or pick up, or cause to be collected or picked up, any recyclable material placed at the curb for collection. Each and every unauthorized collection shall constitute a separate and distinct offense, punishable as provided by this ordinance.

G. Preparation and Collection of Recyclable Materials

All municipal waste collectors providing municipal waste collection services in the Township shall establish a program for the collection, transportation, and recycling of recyclable materials, which shall, at a minimum, comply with the following:

- 1. Provide for the collection, removal, and recycling of designated recyclable materials, which are separated from municipal waste, from each residence, commercial, municipal, and institutional establishment and community activity served. The collection and removal of recyclable materials from each residence, commercial, municipal, and institutional establishment shall occur no less frequently than once per month.

2. Provide each customer served with a reusable container or containers for the storage and collection of recyclable materials. Said containers shall be at least 12 gallons in size, shall be made of durable plastic, and shall be clearly marked as recycling containers.
3. Establish procedures for the separation, storage, and collection of recyclable materials and provide all customers adequate written notification of the procedures. Such procedure shall be consistent with this ordinance, any rules and regulations promulgated pursuant hereto, and federal, state, and local law and regulations. The Township will provide a public information and education program concerning the recycling program and features at least 30 days prior to initiation of the recycling program and at least once every six months thereafter. This notice will notify all persons occupying residential, commercial, institutional, and municipal premises within its boundaries of the requirements of this ordinance.

The Township may periodically monitor the materials preparation and collection practices in the Township.

Section 302: Multi-Family Residential Collection

An owner, landlord, or agent of an owner or landlord of a multi-family residential dwelling unit with two or more units, or the residents of multi-family residential dwelling units acting by and through a duly constituted homeowners' association, shall comply with their responsibilities under this article by establishing a collection system for recyclable materials, as defined by this ordinance, at each property and pickup by a registered municipal waste collector. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants or residents concerning the use and availability of the collection system. Owners, landlords, and agents of owners or landlords who comply with the requirements of this section shall not be liable for noncompliance of occupants of their buildings.

Section 303: Commercial, Institutional, and Municipal Recycling

All persons occupying commercial, institutional, and/or municipal establishments within the Township shall separate recyclable materials and leaf waste, as each is defined by this ordinance, generated at such establishments; store the materials until collected by a registered municipal waste collector; and annually provide written documentation to the Township of the types of materials and the total tons of materials recycled. Such documentation shall be provided to the Township within 30 days of the end of each calendar year.

Section 304: Community Events

All community events held within the Township shall separate aluminum, glass, plastics and corrugated cardboard and store such materials until collected by a registered municipal waste collector or disposed of by the event sponsor at a facility approved by the Township. Either the hauler or the event sponsor shall provide written documentation to the Township of the type of materials and the total tons of materials recycled. Such documentation shall be submitted to the Township no later than 30 days following the date of the public gathering.

Section 305: Self-Delivery

Self delivery of recyclable materials to state-approved locations or disposal facilities within or outside the Township is permitted. Those persons using the self delivery method must comply with all other provisions of this chapter, including but not limited to the methods and minimum frequency of removal as outlined herein on the same basis as provided by a commercial collector. All loads must be covered and vehicles shall not permit any materials from leaking and/or escaping the vehicle.

ARTICLE IV

HANDLING AND DISPOSITION OF LEAF WASTE

Section 400: Separation of Leaf Waste

There is hereby established a program for the mandatory source-separation and collection of leaf waste within New London Township. The occupant or owner of any residential establishment shall separate leaf waste from other municipal solid waste.

Section 401: Residential Collection

All leaf waste shall be source-separated from municipal solid waste and recyclable materials. Leaf waste shall be collected by a registered municipal waste collector in accordance with a schedule established annually by the Township in conjunction with the municipal waste collector, but no less than one collection in the spring and once per month during the months of September through December. When collection of leaf waste has been scheduled by the municipal waste collector and/or Township, leaf waste shall be placed at the curb for collection in paper leaf bags; the maximum volume of each bag shall be as prescribed by the municipal waste collector.

Residents have the option of disposing of leaf waste by composting and therefore would not be required to comply with the provisions of this section if they choose to compost their leaf waste. Backyard compost should be managed so as not to create a nuisance. Residents also may drop off leaf waste at the SECCRA facility or at another facility that accepts leaf waste and is acceptable to the Township.

Section 402: Multi-Family Residential Collection

Owners, landlords, and agents of owners or landlords will be responsible for compliance with the collection of leaf waste in accordance with this Article.

Section 403: Commercial, Institutional, and Municipal Collection and Disposal

All persons occupying commercial, institutional, and/or municipal establishments within the Township shall collect and separate leaf waste in accordance with this Article and store the leaf waste until collected and recycled. Leaf waste collected must be taken to a State permitted compost facility.

Section 404: Coverage of Vehicles

All vehicles used for the collection/delivery of leaf waste shall be covered as required by Act 101 of 1988.

ARTICLE V

WASTE COLLECTOR AUTHORIZATION

It shall be unlawful for any municipal waste collector to collect and/or transport municipal waste or recyclable materials from within New London Township without having first registered with the Township.

Section 500: Registration Requirements

- A. All municipal waste collectors shall be registered with the Township through an application process as outlined below or hereafter modified by resolution.
- B. As a condition of registration, the municipal waste collector shall provide for the collection of municipal solid waste, bulk waste, recyclable materials, leaf waste, and Christmas trees, including annual written reports to the Township of the materials collected. Such report shall be submitted to the Township not later than 30 days following the end of the calendar year. A municipal waste collector shall provide a schedule for the collection of leaf waste and Christmas trees and shall establish proposed procedures for the separation, storage, and collection of recyclable materials that shall be submitted to the Township for approval.
- C. A registered municipal waste collector may collect or transport such municipal solid waste or other designated materials within the Township for one calendar year (January 1 through December 31). Each collector must renew the registration no later than January 1 of each calendar year. Any municipal waste collector that is registered shall have the privilege of collecting and transporting municipal solid waste, bulk waste, recyclables, and leaf waste, as defined herein, from within the Township, in strict conformance with this ordinance and any other applicable state, federal, or local provision of law.
- D. Any municipal waste collector picking up municipal waste in the Township shall be required to advise the Township, in writing within 72 hours after written request from the Township, as to whether an owner has a current contract for municipal waste disposal from his premises within the Township with the municipal waste collector. Furthermore, all municipal waste collectors shall cooperate with the Township-authorized representative in providing information in the event that an action is instituted to enforce the terms and conditions of this ordinance.
- E. Vehicles used for collection, transport, or disposal
 - 1. Vehicles used by municipal waste collectors for collection, transportation, or disposal shall be licensed in accordance with Waste Transportation Safety Act, 27 Pa.C.S. § 6201 et seq., as amended.
 - 2. All vehicles used within the Township for the collection, transportation, or disposal of municipal waste or recyclable material shall have enclosed bodies or have the body covered with a tarpaulin or canvas cover or other suitable cover to prevent the distribution of garbage or refuse upon the roadways or abutting lands.
 - 3. All vehicles used within the Township for the collection, transportation or disposal of municipal waste or recyclable materials shall be watertight, have metal or metal-lined bodies or interior containers, be of easily cleanable construction, be cleaned at

sufficient frequency to prevent nuisance or insect breeding, and shall be maintained in good repair.

- F. Contents of application – At the time of application, the municipal waste collector shall provide the following information on a form prepared by the Township:
1. The name of the municipal waste collector, the business address and telephone number of the business office, and a 24- hour emergency telephone number.
 2. The name, address, and telephone number of the person having the largest ownership interest in the municipal waste collector company.
 3. The make, year, model, and registration of each truck or vehicle which is used in the Township for the collection and/or transport of municipal solid waste or other designated materials.
 4. A copy of the license obtained from the Commonwealth of Pennsylvania under the Waste Transportation Act (Pa. Act 90) authorizing said person to collect, transport, and/or dispose of municipal solid waste, recyclable materials, bulk waste, and leaf waste from residential, commercial, industrial, and institutional establishments.
 5. A certificate of the municipal waste collector's workmen's compensation insurance, as required by law; naming the Township as additional insured.
 6. A certificate of insurance covering complete third-party public liability for bodily injury and property damage, municipal waste collector's protective insurance, and automotive insurance with respect to personal injuries and property damage, or owner of the municipal waste collector if the owner is considered a separate entity. Such insurance shall be in amounts that shall be from time to time set forth by the Board of Supervisors by resolution adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this ordinance shall carry with it an endorsement to the effect that the insurance carrier will convey to the Township, by certified mail, written notice of any modifications, alterations, or cancellations of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to the Township at least 10 days prior to the effective date of any such modifications, alteration, or cancellation.
 7. The approved disposal site where municipal solid waste, bulk waste, and leaf waste will be taken, as provided in the Chester County Solid Waste Management Plan.
 8. The processing and/or marketing facility where the recyclable materials will be taken.
 9. Such other information as the Township, in furtherance of this ordinance, shall deem appropriate and necessary.

Section 501: Collection Requirements

Except as provided herein below, the municipal waste collector shall establish a program for the collection and transportation of municipal solid waste, bulk waste, recyclable materials, and leaf waste and shall at a minimum comply with the following:

- A. Establish procedures for the storage, collection, and disposal of municipal solid waste and provide Township residents with adequate notification of all procedures. Collection shall be offered at least once per week.
- B. Establish procedures for the separation, storage, and collection of recyclable materials and provide Township residents with adequate notification of all procedures. Collection shall be offered not less than once per month.
- C. Provide for the collection of leaf waste in compliance with Article I V. Each hauler must provide services for the removal of leaf waste, at dates approved by the Township, which must include not less than once in the spring and once per month during the months of September through December; the services must include the removal of woody waste as included in the definition of leaf waste.
- D. Provide for the collection of bulk waste.
- E. Provide annual written and certified documentation to the Township, within 30 days of the end of the calendar year, to include the following:
 - 1. Total number of tons of municipal solid waste collected and disposed of, and the disposal location.
 - 2. Total number of tons of designated materials that were collected and recycled, and the place of disposition of recycled materials.
 - 3. List of properties in the Township from which these materials were collected.
- F. Provide to customers recycling containers that are approved by the Township.
- G. Report to the Township the location of any property that is evidencing a pattern of non-compliance with the terms of this ordinance.

Section 502: Prohibitions

It shall be unlawful and a violation of this ordinance for any municipal waste collector to:

- A. Collect or transport any municipal solid waste, bulk waste, recyclable materials, or leaf waste from any person failing to source-separate said materials in violation of this ordinance.
- B. Comingle recyclables or leaf waste collected within the Township with municipal solid waste.
- C. Fail to provide for the proper disposition of any municipal solid waste, bulk waste, recyclable materials, or leaf waste collected or transported within the Township.
- D. Commence the collection of municipal solid waste, bulk waste, recyclable materials, or leaf waste for any property in the Township prior to 6:00 a.m. or conduct collections after dusk. These time frames may be suspended on a case-by-case basis, e.g., where regular scheduling has been disrupted by severe weather, but only upon the request of the municipal waste collector and approval by the Township.
- E. Load or operate any vehicle within the Township or transport municipal solid waste, bulk waste, recyclable materials, or leaf waste within the Township in such a manner as to

allow municipal solid waste, bulk waste, recyclable materials, or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.

- F. Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off the roadway.
- G. Otherwise create a public nuisance.

ARTICLE VI

PROHIBITION OF OUTDOOR BURNING

Section 600: Prohibition of Outdoor Burning

It shall be unlawful for any person to burn or cause to be burned outdoors for purposes of disposal any municipal waste, leaf waste, yard waste, or recyclable materials that are required to be separated and collected pursuant to this ordinance.

ARTICLE VII

ADOPTION OF RULES AND REGULATIONS

Section 700: Rules & Regulations

The collection of municipal solid waste, bulk waste, recyclable materials or leaf waste by a registered municipal waste collector, the preparation for collection of municipal solid waste, bulk waste, recyclable materials, or leaf waste by property owners and residents of the Township and the provision of reusable containers for the temporary collection and storage of waste or recyclables by the Township shall be made in compliance with any regulations which are adopted by the Board of Supervisors to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified, or repealed by resolution of the Board of Supervisors.

ARTICLE VIII

EXCLUSIONS

Section 800: Farm use property

Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure or other farm produced agricultural waste, not otherwise prohibited or regulated for land applications. All such practices must be conducted in compliance with applicable Township, state and federal laws and regulations as may be in effect or subsequently imposed. Farm use property shall be exempt from Articles III, IV, and VI of this ordinance as those articles apply to leaf waste, yard waste, and construction debris produced on any such farm use property.

Section 801: Hazardous and residual waste

The provisions of this ordinance do not apply to anything but the storage, collection, transportation, and disposal of municipal solid waste and do not apply therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable Township, state and federal laws and regulations as may be in effect or subsequently imposed.

ARTICLE IX ENFORCEMENT

Section 900: Enforcement

- A. It shall be a violation of this ordinance to undertake any action which is contrary to the terms of this ordinance.
- B. Upon determination by the Township that a violation of the terms of this ordinance has occurred, and there has been no previous violation of any provision of the ordinance by the party in question, the Township shall issue a notification to said party indicating the nature of the violation and any actions that may be required to remedy the violation, including a required time frame for any remedial action. Failure by the party to comply with the terms of the Township's notification shall be deemed a violation that is subject to the terms of Subsections C and D, below.
- C. Enforcement Notice
 - 1. Except as provided in Subsection B, above, where a violation of this ordinance occurs, the Code Enforcement Officer shall initiate enforcement proceedings by sending a written enforcement notice. The Officer may order discontinuance of any illegal activity with this notice.
 - 2. The enforcement notice shall be sent to the owner of record of the parcel on which a violation has occurred, to any person who has filed a written request to receive enforcement notices regarding this parcel, and to any other person requested in writing by the owner of record.
 - 3. An enforcement notice shall, at minimum, include the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action.
 - b. The location of the property.
 - c. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this ordinance.
 - d. The date before which the steps for compliance shall be commenced and the date before which the steps must be completed.
 - e. The time period for appeal.
 - 4. The recipient of the notice has the right to appeal by written request within 30 days to the Township Board of Supervisors. The Board shall conduct a hearing within 30 days from the receipt of the appeal.
- D. Violations and Penalties

Any person who violates or permits the violation of any provision of this ordinance shall, upon being found liable thereof in an enforcement proceeding, pay a fine of not more than \$1,000 plus court costs and reasonable attorneys' fees. Each twenty-four-hour period during which failure to comply continues shall constitute a separate violation. The Township Code Enforcement Officer shall initiate criminal enforcement proceedings.

**ARTICLE X
SEVERABILITY**

Section 1000: Severability

If any part of this ordinance is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining parts of this ordinance, which shall continue to be fully operative as if the unconstitutional, illegal, or invalid parts had not been enacted.

**ARTICLE XI
REPEALER**

Article 1100: Repealer

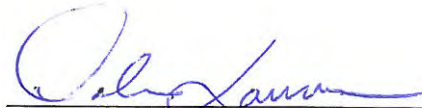
Any and all provisions of any other Township ordinance that are inconsistent with the provisions of this ordinance are hereby repealed.

**ARTICLE XII
EFFECTIVE DATE**

This Ordinance shall become effective March 2, 2015.

ENACTED and ORDAINED this 22^d day of October, 2014.

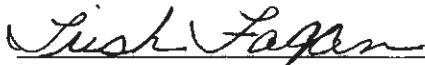
**BOARD OF SUPERVISORS
NEW LONDON TOWNSHIP**



Dale Lauver, Chairman

ATTEST:

Robert Barto, Vice-Chairman


Trish Fagan, Secretary
Gerard Porter, Member