

ORDINANCE NO. 95-10

AN ORDINANCE ESTABLISHING REGULATIONS
AND STANDARDS FOR THE COLLECTION
STORAGE AND DISPOSAL OF TRASH AND
RECYCLABLE MATERIALS WITHIN
EAST FALLOWFIELD TOWNSHIP

BE IT AND IT HEREBY IS, BY THE BOARD OF SUPERVISORS OF EAST FALLOWFIELD TOWNSHIP, ENACTED AND ORDAINED:

SECTION 1: LEGISLATIVE PURPOSE AND INTENT:

A. It is the practice of East Fallowfield Township to contract periodically by public bid for the collection and disposal of household waste materials generated by residents of the Township.

B. While recycling facilities are available for the use of residents of the Township, the use thereof has been on a voluntary basis.

C. As a result of the under-utilization of the recycling facilities, the cost of trash disposal has been increased to the detriment of the taxpayers.

D. Landfill space is at a premium and proper environmental management of the trash disposal process must be conserved or the future cost of waste management will be greatly increased and the environment harmed.

E. Recycling and other sound ecological practices will ultimately result in a savings to the residents of the Township and will contribute to a better environment in the future.

F. Therefore, it is in the interest of the public health and safety to preserve and protect the environment by requiring the recycling of certain waste products and to establish certain minimum standards for the storage and disposal of waste materials generated within the Township.

G. Under the provisions of Section 702 Section VIII of the Second Class Township Code, the Township is authorized to enact and enforce regulations for the storage and disposal of waste materials and the regulations herein authorized and adopted are so promulgated under and by virtue of that authority.

SECTION 2: DEFINITIONS: Except where the context clearly otherwise requires, the following words and phrases shall have the meanings herein set forth.

A. Dwelling Unit: A building, or part thereof, wherein a person or two or more persons reside as a single housekeeping unit and having, inter alia, a common kitchen, common bathroom facilities, common living areas and a common entrance.

B. Unit of Use: A lot, building or part of either wherein or whereon there is conducted a discrete principal use or activity and has a specific designated area for its operations and one or more designated trash storage areas or facilities. Where a building or group of buildings on a single lot contains four or more dwelling units, or where each building or the lot upon which all buildings are located contains one or more common designated trash storage area(s), the dwellings served by a single common designated storage area shall constitute a single unit of use. Where there are no common designated storage areas or where there are three or less dwelling units, each dwelling unit shall constitute a separate unit of use.

C. Nonresidential Unit of use: Any unit of use, including, without limitation, an apartment building or buildings, other than a Dwelling Unit.

D. Designated Trash Storage Area: An area serving a single Unit of Use, designated, constructed, or designed to serve as the storage area or collection area for trash generated solely from that Unit of Use and the activities conducted therein and thereon. The term "Designated Trash Storage Area" shall not include any landfill, junkyard, recycling center, bulk transfer station, nor any area or facility receiving for storage, transfer, abandonment, burial, treatment, sorting or disposal, any trash not generated from or within any Unit or Units of Use not located upon the lot upon which the facility is located.

E. Trash: Any materials, be they solid, liquid or contained gaseous material intended to be discarded and for which the generator thereof claims no utilitarian or economic benefit, use, possession or ownership. Any materials found in a Designated Trash Storage Area, or identified trash container regardless of how, why or by whom placed there shall be conclusively presumed to be Trash.

F. Trash, Recyclable: Any Trash which by reason of its composition or other properties, has been designated by a duly adopted Resolution of the Board of Supervisors of East Fallowfield Township as Recyclable Trash.

G. Trash, Hazardous: Any Trash which by reason of its composition or other properties, has been designated by the US Environmental Protection Agency, the PA Department of Environmental Resources, or any other Federal, State or Local Governmental agency, entity or authority however denominated, as requiring special procedures, containers or permits for storage or disposal. Such Trash includes, by way of illustration but not limitation,

infectious waste, nuclear waste, sanitary waste, flammables, explosives, combustibles, and toxic waste.

H. Trash, Bulk: Any Trash which by reason of its size, weight, bulk or composition cannot be contained and transported in the ordinary course of established collection procedures with the equipment dedicated thereto and which by reason of those recited properties will not fit into containers conforming to the standards set forth in Section 3 of this Ordinance.

I. Trash, Residual: Any Trash other than Bulk Trash, Hazardous Trash or Recyclable Trash:

SECTION 3: RESIDUAL TRASH: All Residual Trash shall be stored in vermin-proof and water-tight containers and stored in areas inaccessible to animals. Residual Trash stored in portable containers shall be placed at curbside for collection by the authorized collector prior to 6 o'clock A.M. on the day designated for collection. Where Residual Trash is stored in dumpsters or similar containers, the containers shall be placed at a location accessible to the collector thereof and the designated trash storage area shall be kept clean and shall be screened from view at all street lines and all lot lines of adjacent residential uses.

SECTION 4: HAZARDOUS TRASH: All Hazardous waste shall be separately stored on the property and collected by a collector licensed to handle the same by all regulatory agencies charged with the regulation and licensing of handlers of the materials so designated. All containers for storage of Hazardous Trash shall be conspicuously labeled with the content thereof and shall have noted thereon the nature of the hazard involved. All containers for such materials shall be of a type, size and construction required by the applicable regulatory agency for the storage and transportation thereof. Under no circumstances shall Hazardous Trash be stored, mixed or blended with Residual Trash or left for collection by the Residual or Bulk Trash Collector. Hazardous Trash shall be stored until collection in areas secure from children and others not trained to handle such trash.

SECTION 5: BULK TRASH: Dates for Bulk Trash pickup shall be established by the Board of Supervisors and notice given to the residents in such manner as the Board shall by resolution determine from time to time. Bulk trash shall be placed at curbside by the occupant or owner of each location served by the collector of Residual Trash. Bulk Trash shall be placed for collection not sooner than the Friday prior to the date scheduled for collection nor later than 6 o'clock A.M. on the date of collection. If, for any reason, the Bulk Trash is not collected on the day set for collection, the owner and/or the occupant shall remove the Bulk Trash from curbside and store the same at an appropriate location until the next established Bulk Trash collection date.

SECTION 6: RECYCLABLE TRASH: The Board of Supervisors shall by resolution establish and from time to time revise a list of various types of trash to be separately collected for recycling. Notice shall be given in such manner as the Board may direct. Upon designating a type of trash as Recyclable Trash, and giving of the requisite notice, that type of Trash shall thereafter be Recyclable Trash and shall be stored, collected, processed and disposed of in and only in accordance with the regulations established herein for Recyclable Trash and not otherwise. In particular, without limiting the generality hereof, Recyclable Trash shall not be mixed or blended with or left for collection as Residual Trash. Each type of Recyclable Trash shall be stored in a separate container provided by the Township and shall be placed at curbside for collection next to the containers for Residual Trash on the days designated for Recyclable Trash collection. All recyclable trash shall be separated at the Unit of Use where generated. All recyclable trash shall be segregated from other categories thereof and shall be cleaned before placement in designated receptacles. As a particular class of trash is designated as recyclable trash, the resolution so designating shall include, without limitation, a definition thereof, the method of storage if special methods are required, cleaning, a label removal if required, and any special storage, handling or disposal instructions.

SECTION 7: GENERAL REGULATIONS: The following shall apply to all owners and occupiers of land and buildings and to all units of use within East Fallowfield Township:

a. No trash shall be thrown, discarded, deposited, carried or left for collection on any lands or in any place other than the location at which it is generated and/or its designated storage area. Provided, however, nothing herein contained shall be construed to prevent the disposition of trash with the consent of the owner of the receiving lands at a lawful landfill, recycling center or junkyard.

b. All trash shall be segregated into its appropriate definitional classification and separately stored and maintained until collection.

c. All recyclable trash shall be cleaned of all residual and hazardous trash prior to depositing the same into disposal containers.

d. The generator, the owner and the occupant of the unit of use are jointly and severally responsible for compliance and jointly and severally liable for any violation.

e. All trash shall be stored in water-tight vermin-proof containers of sufficient strength to prevent access to the trash by animals, children or others not collecting or disposing of the same. In particular, without limiting the generality hereof, all

trash shall be so stored as to prevent it from being carried or deposited on lands of others or on public ways by reason of wind, storm water or acts of nature, or similar causes. All combustibles and flammables shall be stored in a manner to prevent fire or explosion or the spreading of toxic or noxious fumes. Combustibles and flammables shall not be considered as recyclable trash.

SECTION EIGHT: REGULATIONS: The Board of Supervisors may from time to time promulgate and adopt by resolution regulations designed to further carry out the intent and purposes of this Ordinance and its provisions. When so adopted, a violation of those regulations so promulgated shall be a violation of this ordinance, and punishable as such. The Board of Supervisors may by resolution designate and appoint one or more persons to administer and enforce this Ordinance and delegate to such persons the duties and authority to act on behalf of the Township consistent with such delegation and assignment.

SECTION 9: PENALTIES: Any person who violates any provision of this ordinance or any provision of a regulation contained in any resolution promulgated pursuant hereto shall, upon conviction in a summary proceeding before a district justice be sentenced to pay a fine not exceeding One Thousand Dollars plus costs of prosecution and in default of payment thereof shall be sentenced to a term of not more than thirty days in the Chester County Prison. As used in this ordinance, the term "person" shall mean (a) a natural person, (b) if the violator is a corporation or similar legal entity the term shall include all of its officers, directors and any agent, servant or employee in responsible charge of the premises or any part thereof and any employee not an officer or manager to the extent that persons actually participated in or contributed to the violation, (c) if a partnership, the term shall include the partners thereof as well as any person holding a position comparable to any of the positions or offices enumerated in (b) above.

SECTION 10: OTHER REMEDIES: In addition to the provisions of Section 9 above and not in substitution thereof the violation of this Ordinance is declared to be a public nuisance and a threat to the public health and safety. The Board of Supervisors finds that the penal provisions of this Ordinance may not provide an adequate remedy at law. Therefore, upon direction of the Board of Supervisors the Township Solicitor shall file an action in a Court of Competent Jurisdiction to restrain and enjoin any violation or threatened violation of this Ordinance and may seek such other or additional relief as may be proper.

SECTION 11: EFFECTIVE DATE: This ordinance shall become effective immediately upon enactment. Any provision of any regulation shall become effective only after the giving of such notice to the public as the Board of Supervisors may direct.

SECTION 12: Ordinance No. 90-32, enacted June 20, 1990, is hereby repealed in its entirety.

ENACTED AND ORDAINED THIS 13th DAY OF September , 1995.

BOARD OF SUPERVISORS OF
EAST FALLOWFIELD TOWNSHIP

Carl Leavitt

Sharon Scott