

**POCOPSON TOWNSHIP
ORDINANCE NO. 3 OF 2008**

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON, CHESTER COUNTY, PENNSYLVANIA ENACTING A WASTE MANAGEMENT AND RECYCLING CHAPTER ORDINANCE CONTAINING ARTICLE I, GENERAL PROVISIONS, CONSISTING OF §90-1 TITLE, §90-2 PURPOSE, AND §90-3 DEFINITIONS; ARTICLE II, MUNICIPAL WASTE PLACEMENT AND DISPOSAL, CONSISTING OF §90-4 CONTAINERS, STORAGE AND PLACEMENT, §90-5 DISPOSAL OF GARBAGE AND REFUSE, §90-6 BULK WASTE, §90-7 COMPOST PILES, §90-8 LEAF WASTE AND RECYCLABLES, AND §90-9 SPILLAGE DURING STORAGE, COLLECTION OR TRANSPORTATION; ARTICLE III, MUNICIPAL WASTE COLLECTION AND TRANSPORTATION, CONSISTING OF §90-10 RESIDENT COLLECTION AND DISPOSAL SERVICE REQUIRED, §90-11 PROOF OF PROPER DISPOSAL REQUIRED, §90-12 DUTIES OF MUNICIPAL WASTE COLLECTORS, §90-13 VEHICLES USED FOR COLLECTION, TRANSPORT OR DISPOSAL, §90-14 COLLECTION AND TRANSPORT BY OTHERS, AND §90-15 PROHIBITED ACTS; ARTICLE IV, RECYCLING, CONSISTING OF §90-16 PROGRAM ESTABLISHED, §90-17 OWNERSHIP OF MATERIALS PRIOR TO COLLECTION, §90-18, OWNERSHIP OF MATERIALS AFTER COLLECTION, UNAUTHORIZED COLLECTION PROHIBITED; §90-19 RECYCLABLE MATERIALS PREPARATION AND COLLECTION, §90-20 RESIDENTIAL RECYCLING, §90-21 COMMERCIAL, MUNICIPAL AND INSTITUTIONAL RECYCLING, §90-22 COMMUNITY ACTIVITY RECYCLING, AND §90-23 PROHIBITED ACTS; ARTICLE V, LEAF WASTE, WOOD CHIPPING, COMPOSTING, CONSISTING OF §90-24 LEAF WASTE, §90-25 WOOD CHIPPING, AND §90-26 COMPOSTING; ARTICLE VI, ADMINISTRATION AND ENFORCEMENT, CONSISTING OF § 90-27 DETERMINATION OF VIOLATIONS, §90-28 ENFORCEMENT NOTICE, §90-29 CAUSE OF ACTION, AND § 90-30 VIOLATIONS AND PENALTIES; AND MISCELLANEOUS RULES AND REGULATIONS.

WHEREAS, the Board of Supervisors of Pocopson Township wishes, in order to promote the health, safety and welfare of the citizens of the Township and of the Commonwealth of Pennsylvania, to provide for environmental protection of our natural resources and to establish requirements that meet current local, state and federal mandates on such protections, to adopt a waste management and recycling ordinance which sets forth proper handling of various components of refuse as generated, stored, collected and transported within Pocopson Township,

the separation of certain materials from the waste stream, known as source separation by households, municipality, institutions and commercial establishments, and to establish a leaf collection program.

AND NOW, this 24th day of November, 2008, it hereby enacted and ordained by the Board of Supervisors of the Township of Pocopson, Chester County, Pennsylvania, pursuant to the authority granted in the Second Class Township Code, 53 P.S. §§ 66506, 67101 et seq., that the Waste Management and Recycling Chapter of the Pocopson Township Code shall be enacted as follows:

Section 1. The Waste Management and Recycling Chapter of the Pocopson Township Code is hereby enacted by adding the Chapter attached hereto as Exhibit “A”, and incorporated by reference as if fully set forth herein.

Section 2. General Code is hereby authorized to make nonsubstantive formatting and numbering changes necessary to clarify references to other sections of the Pocopson Township Code and to bring the Ordinance into conformity with the Pocopson Township Code.

Section 3.

If any sentence, clause, section or 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 provisions, sentences, clauses, sections or parts hereof. It is hereby declared the intent of the Pocopson Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

All Ordinances and Resolutions, or parts of Ordinances and Resolutions conflicting with any provisions of this Ordinance are hereby repealed.

This Ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED, this 24th day of November, 2008.

ATTEST:

BOARD OF SUPERVISORS OF
POCOPSON TOWNSHIP

Attest

Stephen R. Conary, Chairman

Georgia F. Brutscher, Vice Chairman

Lauressa J. McNemar, Member

EXHIBIT “A”

WASTE MANAGEMENT AND RECYCLING

**ARTICLE I
General Provisions**

§ 90-1. Title.

This chapter shall be known and may be cited as the “Pocopson Township Waste Management and Recycling Ordinance” or as the “Recycling Ordinance”.

§ 90-2. Purpose.

This Chapter is enacted for the purpose of promoting the health, safety, and welfare of the Pocopson Township population, to provide for environmental protection of our natural resources and to establish requirements that meet current local, state and federal mandates on such protections. This Chapter includes specific provisions, requirements, and responsibilities for:

- A. The proper and adequate handling of various components of refuse as generated, stored, collected and transported within Pocopson Township.
- B. The separation of certain materials from the refuse/waste stream, known as source separation, by households, municipality, institutions, and commercial establishments.
- C. The establishment of a leaf collection program.

§ 90-3. Definitions.

In this Chapter, except where context clearly indicates otherwise, the following words and phrases have the meaning indicated:

BULK WASTE — Municipal waste of such size, weight or dimension as to not fit easily into a municipal waste storage container.

CHESTER COUNTY WASTE MANAGEMENT PLAN — The Chester County Act 101, Municipal Waste Management Plan, adopted by the Chester County Board of Commissioners in accordance with the requirements of Section 501 of the Municipal Waste Act, and approved by the Pennsylvania Department of Environmental Resources on May 10, 2007, as may be amended from time to time.

CHIPPED MATERIAL — Tree branches, brush, and limbs processed by a chipper and free of any bulk leaf waste. The chipped material is suitable for garden mulch.

COMMUNITY ACTIVITIES — Events sponsored in whole or in part by the Township or conducted within the Township and sponsored privately or by other public entities, which include but are not limited to fairs, bazaars, socials, celebrations, picnics and organized sporting events that will be attended by 200 or more individuals per day.

CONSTRUCTION DEBRIS — Waste materials generated independently of other municipal wastes, but considered municipal waste, and resulting from the construction, remodeling or repair of buildings or other structures which may include, but are not limited to, wood, plaster, metals, asphaltic substances, paint cans and insulating materials.

GARBAGE — All table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

HOUSEHOLD HAZARDOUS WASTE — Leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients are considered to be "household hazardous waste" or "HHW." HHW includes cleaning, automotive, lawn and garden, and flammable products, workshop and painting supplies, pesticides, non-alkaline batteries, mercury thermostats and thermometers, fluorescent light bulbs. Additional hazardous components exist in computers, air conditioners, and other electronic devices. These items require special care for disposal and cannot be disposed of with municipal waste, unless special provisions are made by the municipal waste collector.

LEAF WASTE — Leaves, garden residues, twigs and similar materials, but not including grass clippings or chipped material.

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—infected, hazardous, radioactive, and other general wastes from healthcare and medical facilities.

MUNICIPAL WASTE — Any garbage, refuse including; industrial lunchroom or office waste; solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities, and; any sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include recyclable materials, leaf waste, chipped material, medical waste, or household hazardous waste.

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 person collecting or transporting municipal waste or recyclable materials by contract with owners or occupants of property in the Township and any municipal, commercial or institutional establishment 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. All municipal waste collectors shall be licensed pursuant to all applicable federal, state and county requirements and laws.

OTHER ACCEPTABLE WASTE — Wastes other than those defined as municipal waste that may be collected by municipal waste collectors upon special arrangements by the generator of the waste or which can be directly delivered by the resident or commercial, municipal or institutional establishment to a Pennsylvania permitted municipal waste landfill. It includes but is not limited to bulk waste such as televisions, furniture, and clean up debris, commercial and residential non-hazardous and "municipal-like residual waste" as established by the receiving landfill, construction debris, non-friable asbestos, tires (no rims) and appliances. Confirmation of acceptance of any OTHER ACCEPTABLE WASTE shall be based on the rules and limitations of the receiving landfill, and shall be confirmed by the municipal waste collector prior to transport of such items.

PERSON — Any individual, partnership, firm, association, public or private corporation whether for or not-for profit, institution, cooperative enterprise, trust, bureau or agency, or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

PROHIBITED MATERIALS — Materials which are prohibited from being placed with municipal waste at the curb for collection by a municipal waste collector. Materials include, but are not limited to closed containers or drums (containers must be empty, clean, and open), household hazardous wastes, rechargeable batteries which includes all non-alkaline batteries, medical waste, hot ashes, tree stumps or large logs.

RECYCLABLE MATERIALS — Those materials specified by the Township for collection in accordance with this Chapter and recycling regulations which may be promulgated by the Board of Supervisors from time to time. Such material may include, but shall not be limited to food and beverage containers of aluminum, metal or bi-metal, clear and colored glass, marketable plastic, phone books, magazines, high grade office paper, mixed paper, newspaper, corrugated cardboard, and leaf waste. The list of recyclable materials may be amended from time to time by resolution of the Board of Supervisors of the Township. Said list is on file in the office of the Township Secretary.

REFUSE — A general term meaning all matter and material which is discarded for ultimate disposal, whether or not the material is permitted to be collected or disposed in accordance with this Chapter

RESIDENT — Any person who owns, leases or occupies a property located in Pocopson Township used as a residence.

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 approved program or facility which accepts the materials delivered.

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SOURCE SEPARATION — The separation of recyclable materials from garbage or refuse at the points of origin for the purpose of recycling.

ARTICLE II

Municipal Waste Placement and Disposal

§ 90-4. Containers, storage, and placement.

- A. The residents of every residential dwelling shall supply or otherwise 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.
- B. Municipal waste or recycling containers shall be placed at the curb or in the front yard of any lot by an individual lot/dwelling resident no more than twenty-four (24) hours prior to scheduled collection and removed within twenty-four (24) hours after scheduled collection.
- C. In addition to requirements in A. and B. 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 beyond or in advance of the scheduled day for collection by a municipal waste collector, or health hazard shall be created or maintained thereby.
- D. Commercial, municipal and institutional 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 twenty (20) feet of a street. Enclosures shall be provided when containers cannot be shielded by natural features, or placed in such a location as to be shielded from view.

§ 90-5. Disposal of municipal waste.

- A. All municipal waste, excluding prohibited materials, that are generated within the Township, shall be disposed of only:
- (1) By removal beyond the limits of the Township to a state permitted disposal facility; or
 - (2) In the case of garbage originating on a bona fide farm, by feeding to animals maintained upon the same premises, provided that such be in accordance with good farming practice.
- B. In no case may refuse 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.

§ 90-6. Bulk waste.

Bulk waste shall be placed at the curb with other municipal waste on the dates scheduled by the municipal waste collector. All municipal waste collectors shall notify customers of the schedule and provide at least two (2) bulk pick up days per year for Township customers. Alternatively, collectors may provide as needed pickup for bulk items establishing fair and reasonable fees and prompt pickup and removal of such items.

§ 90-7. Compost piles.

Compost piles may be kept and managed by occupants or tenants of a single family residence or farm in accordance with Article V. All non-compostable waste, which includes all municipal waste other than vegetative kitchen waste, leaf and yard waste, fruit or vegetable garden waste, and landscape plant and soil matter, shall be managed and disposed of in accordance with this Chapter.

§ 90-8. Leaf waste and recyclable materials

Leaf waste and recyclable materials as defined in this Chapter and as the Board of Supervisors shall be hereby authorized to further defined or amend by resolution from time to time, shall be segregated from municipal waste.

§ 90-9. Spillage during storage, collection or transport.

No person shall permit any loss of refuse or recyclable materials during storage, collection or in transport to lie upon or along any premises, private or publicly owned, upon, in or on any waters of the Commonwealth, their banks, floodplains, conservation easement, or upon or along any public or private road or rail line in the Township. Such loss shall be considered littering, as defined in Chapter 101 LITTERING. Any municipal waste collector or property owner, as the case may be, shall, within four (4) hours, and at their own expense, remove any such refuse or

recyclable materials after being notified to do so by the police or other authorized Township official.

ARTICLE III
Municipal Waste Collection and Transport

§ 90-10. Resident collection and disposal service required.

Every resident household and every commercial, municipal, and institutional establishment, shall have municipal waste collection and disposal service for municipal waste generated on the premises by any of the occupants of the premises and deposited in a permitted landfill. Collection shall be a minimum frequency of once per week.

§ 90-11. Proof of proper disposal required.

Whenever 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 minimum frequency of once per week. 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.

§ 90-12. Duties of municipal waste collector.

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 Chapter.

§ 90-13. Vehicles used for collection, transport or disposal.

- A. Owners of all vehicles used for collection, transportation or disposal shall be licensed in accordance with Waste Transportation Safety Act, 27 Pa.C.S. § 6201 et. seq., as amended.
- B. 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.
- C. 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.

- D. All vehicles used within the Township for the collection, transportation or disposal of municipal waste or recyclables shall be licensed in accordance with the Waste Transportation Safety Act, 27 Pa. C.S. § 6201 et. seq., as amended.

§ 90-14. Collection and transport by others.

Self delivery to state approved drop-off locations or disposal facilities within or outside of the Township shall be permitted. All exposed loads must be covered, and vehicles shall meet the general requirements of § 90-13 regarding leak prevention and covering of loads. Vehicles must meet all federal, state and local requirements.

§ 90-15. Prohibited acts.

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

- A. Knowingly collect or transport recyclable materials or leaf waste which is commingled or mixed with municipal waste from any resident or commercial, municipal or industrial establishment in violation of this Chapter, and any rules or regulations adopted there under.
- B. Comingle or mix any municipal waste with any designated separated recyclable materials or leaf waste collected within the Township.
- C. Fail to provide for the lawful disposition of any municipal waste, recyclable materials or leaf waste collected or transported within the Township in accordance with all applicable federal or state laws and regulations and in accordance with the Chester County Waste Management Plan.
- D. Fail to recycle recyclable materials or deliver leaf waste to a state approved composting facility in accordance with this Chapter, other Township ordinances and federal, state or local laws and regulations.
- E. Load or operate any vehicle within the Township or transport municipal waste, recyclable materials or leaf waste within the Township in such a manner as to allow municipal waste, recyclable materials or leaf waste to fall upon the public roads or upon land abutting the public roads in the Township.
- F. Otherwise create a public nuisance.

**ARTICLE IV
Recycling**

§ 90-16. Program established.

A program for the mandatory source separation and collection of recyclable materials and leaf waste within the Township is hereby established. No person shall dispose, collect, treat, remove or transport recyclable materials or leaf waste within the Township except in accordance with this Chapter. The use of a municipal waste collector shall not relieve any person from compliance with this Chapter. The Board of Supervisors is hereby authorized to establish or amended from time to time, by resolution, a list of recyclable materials for collection and other such rules and regulation.

§ 90-17. Ownership of materials prior to collection.

Nothing in this Chapter or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of separated materials by the persons who generated them unless and until separated materials are placed at curbside or similar location and collected by a municipal waste collector.

§ 90-18. Ownership of materials after collection; unauthorized collection prohibited.

From the time of collection of recyclable materials by a municipal waste collector pursuant to the provisions of this Article and any rules and regulations adopted hereunder, the recyclable materials shall become and be the property of the municipal waste collector. It shall be a violation of this Article for any person not a municipal waste collector to collect or pick up or cause to be collected or picked up any recyclable materials placed at the curb or other designated place for collection by a municipal waste collector pursuant to the provisions of this Article. Any and each such unauthorized collection in violation hereof from one or more residences shall constitute a separate and distinct offense punishable as hereinafter provided in this article.

§ 90-19. Recyclable materials preparation and collection.

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:

- A. 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 at least once every other week.
- B. Provide each customer served with a reusable container or containers for the storage and collection of recyclable materials. Said containers shall be at least twelve (12) gallons in size, shall be made of durable plastic and shall be clearly marked as recycling containers.
- C. 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 Chapter, any rules and regulations promulgated pursuant hereto, and federal, state and local law and regulations.

- D. Issue warning notices of violations to customers failing to comply with procedures for the separation, storage and collection of recyclable materials and leaf waste and provide a copy of any such warning to the Township.
- E. Provide annual written documentation and certification to the Township of the total number of tons of municipal waste and tons and types of materials recycled and the place of disposition of materials recycled. Reports shall be provided by January 31 of every calendar year for the previous calendar year.

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

§ 90-20. Residential recycling.

- A. Source separation of recyclable materials shall be performed by all residents of the Township. Residents shall separate recyclable materials from municipal waste generated at their properties. Other than leaf waste, the separated recyclable materials may be commingled in a single recycling container provided by the municipal waste collector. When placed at the curb for collection in accordance with the provisions of this Article, recyclable materials shall be placed in reusable containers which clearly identify the contents as recyclables provided by the municipal waste collector. The preparation for collection of recyclable materials shall be made in accordance with the instructions provided by the municipal waste collector and which are consistent with the terms of this Article.
- B. An owner, landlord or agent of an owner or landlord of multifamily residential housing properties with four (4) or more units or the residents of multifamily residential properties acting by and through a duly constituted homeowners' association who may contract a common municipal waste collector and aggregate municipal waste or recycling collection points, shall establish a collection system for recyclable materials at each property and pickup by a municipal waste collector. Such a 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. In addition, such owners, landlords, agents and homeowners' associations shall annually provide written documentation and certification to the Township of the total number of tons of municipal waste and tons and types of materials recycled and the place of disposition of materials recycled. Reports shall be provided by January 31 of every calendar year for the previous calendar year. Such owners, landlords, agents and homeowners' associations may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township. Owners, landlords and agents of owners or landlords who comply with this article under this subsection shall not be liable for the noncompliance of occupants of their building.

§ 90-21. Commercial, municipal and institutional recycling.

All persons occupying commercial, municipal and institutional establishments within Pocopson Township shall separate and segregate from municipal waste, clear and colored glass, plastic milk and beverage containers, aluminum containers, metal/bimetal cans, high-grade office paper, junk mail, magazines, phone books, corrugated cardboard, leaf waste and such other recyclable materials as may be specified from time to time by resolution of the Board of Supervisors. In addition to the separation and segregation of above items generated at such establishments, each shall; store the materials until collection for recycling by a municipal waste collector; make arrangements to have a municipal waste collector collect and recycle the recyclable materials at a minimum of once every other week; and annually provide written documentation and certification to the Township of the total number of tons of municipal waste and tons and types of materials recycled and the place of disposition of materials recycled. Reports shall be provided by January 31 of every calendar year for the previous calendar year. Such persons may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township.

§ 90-22. Community activity recycling.

Community activities shall have provisions for recycling containers to, at a minimum, collect commingled (aluminum, glass and plastic) beverage containers. The sponsor of the event shall be responsible for providing the containers and collection and transport by a municipal waste collector for these events. The sponsor shall provide written documentation and certification to the Township of the total number of tons of municipal waste and tons and types of materials recycled and the place of disposition of materials recycled. Reports shall be provided within 30 days of the event. Such persons may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township. Community activity recycling shall be reported independently of normal routine weekly pickups at the location.

§ 90-23. Prohibited acts.

- A. No person shall place municipal waste in containers used for the separation and collection of recyclable materials.
- B. No person shall place designated recyclable materials in containers used for the collection of municipal waste.

**ARTICLE V
Leaf Waste Collection, Wood Chipping and Composting**

§ 90-24. Leaf waste collection.

To the extent that any resident of the Township includes leaf waste as part of the municipal waste to be collected and transported off site, such leaf waste shall be separated from all

municipal waste and recyclable materials generated at the property. If composting on-site is not desirable, residents may contract with a municipal waste collector to arrange for pickup of leaf waste in bags approved by the Township, in reusable containers or in bulk. The Township shall provide curbside pickup of leaf waste up to two (2) times per year. Residents shall use bags approved by the Township. All residents may take leaf waste throughout the year to any state approved composting facility, one of which is located at the Southeastern Chester County Refuse Authority landfill on Route 926 in London Grove Township. Burning of leaves shall be strictly prohibited in accordance with Chapter 35, BURNING.

§ 90-25. Wood chipping.

While funding remains available, the Township shall conduct a tree branch and brush chipping program. Branches shall be picked up and chipped curbside at times advertised by the Township, but not less than two (2) times per year. Christmas trees shall be chipped by the Township during the season.

§ 90-26. Composting.

Compost piles may be kept and managed by occupants or tenants of a single family residence or farm provided the materials are confined at the perimeter, by structural means, such as an earthen berm, curbed border, lined and recessed pit, elevated bed, boxed or manufactured composting units etc., so as to prevent storm runoff from the compost from discharging outside the compost area. Further, compost piles shall be managed to eliminate odors, nuisance vectors, scavenging rodents and to prevent access to and scattering of materials by animals. Compost materials are limited to vegetative kitchen waste, leaf and yard waste, fruit or vegetable garden waste, and landscape plant and soil matter.

ARTICLE VI
Administration and Enforcement

§ 90-27. Determination of violations.

It shall be a violation of this Chapter to undertake any action which is contrary to the terms of this Chapter.

§ 90-28. Enforcement notice.

- A. If a violation of this Chapter has occurred, the Code Enforcement Officer shall initiate enforcement proceedings by sending a written enforcement notice. By means of the enforcement notice, the Code Enforcement Officer may order discontinuance of illegal activity.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall, at minimum, state the following:

- (1) The name of the owner of record and any other persons against whom the Township intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- (4) The date before which the steps for compliance shall be commenced and the date before which the steps must be completed.
- (5) The time period for appeal.

D. The recipient of the notice has the right to appeal by written request within 30 days, to the Township Board of Supervisors. The Board of Supervisors shall hold a hearing within 30 days after receipt of such request.

§ 90-29. Causes of action.

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the causes and basis thereof, and shall be submitted to the Township Code Enforcement Officer. The Code Enforcement Officer shall properly record such complaint, investigate, and take action thereon, as necessary.

§ 90-30. Violations and penalties.

Any person who violates or permits the violation of any provision of this Chapter shall, upon being found liable thereof in a criminal enforcement proceeding, pay a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees, and may be incarcerated for a period not exceeding 90 days for each and every violation. Such fine, costs, attorneys' fees, and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable Rules of Criminal Procedure. 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 in order to achieve compliance with this Chapter.