Chapter 20

Solid Waste

Part 1
Municipal Waste Collection and Recycling

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Part 1

Municipal Waste Collection and Recycling

§20-101. Title.

This Part shall be known as the “East Vincent Township Municipal Waste Collection and Recycling Ordinance.”

(Ord. 174, 3/17/2004, §1)

§20-102. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

- **Aluminum cans** - empty, 100 percent aluminum beverage and food containers.
- **Bimetallic cans** - empty food or beverage containers consisting of both steel and aluminum.
- **Commercial** - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business, or establishment.
- **Community activity** - an activity or event sponsored or organized by a public or private organization conducted in East Vincent Township including, but not limited to, fairs, bazaars, socials, picnics, and organized sporting events, that shall be attended by a minimum of 25 or more individuals per day.
- **Corrugated paper** - structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.
- **Curbside collection** - a method of collection of residentially-generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside (or similar place along the public right-of-way fronting their properties), at times designated by the private hauler or by resolution of the Township Board of supervisors, for collection and removal by a private hauler for delivery to a recycling center.
- **Glass containers** - empty food and beverage jars or bottles made from silica or sand, soda ash, and limestone, the product being transparent or translucent (either clear, green or brown) excluding, however, blue glass, flat glass, plate glass, glass commonly know as "window glass," automotive glass and ceramic and porcelain products.
- **High-grade office paper** - any white paper of the type commonly used for letter-writing stationery, note paper, plain paper photocopying machines, computer printers and other general-purpose paper, whether or not any printed or written matter is contained thereon, excluding, however, newspaper, junk mail or other chemically coated paper or corrugated paper.
- **Institutional** - of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.
- **Junk mail** - magazines, glossy or other chemically coated paper, and any other
paper products including, but not limited to, construction paper, wrapping paper, phone books, paperback books, paper food boxes (excluding plastic liners and plastic windows), tablet paper and Post-it Notes, manila envelopes, file folders, fax paper, clean tissue paper, catalogues, gift boxes (excluding liners), and paper bags, expressly excluding hardback books, high-grade office paper, newspaper, corrugated paper, photographs, overnight envelopes, pizza boxes and other packaging with food contamination, soiled napkins, soiled paper towels, soiled tissue, carbon paper, foil wrapping paper, paper food packaging with plastic, metal, foil or cellophane parts, or with wax or plastic coatings.

*Leaf waste* - leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings and similar material capable of composting, but excluding grass clippings.

*Multi-family housing property* - a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units per structure. The term "multi-family housing property" specifically includes mobile home parks.

*Municipal* - of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, East Vincent Township, any counties, cities, boroughs, incorporated towns, townships and municipal authorities.

*Municipal waste* - an all-encompassing, most general term meaning any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments, except farm-produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes and any sludge not meeting the definition of "residual or hazardous waste" as defined in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97 ("Act 97," 35 P.S. §6018.101 et seq.); but, excluding recyclables.

*Newspaper* - paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes junk mail or other chemically coated paper, high-grade office paper and any other paper products of any nature.

*Person* - any individual, partnership, corporation, association, institution, cooperative enterprise, trust, municipality, municipal authority, Federal Government or agency, Commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part 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 other legal entity having officers and directors.

*Plastic #1 (PET) container* - plastic containers imprinted with the SPI Code No.
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1, such as beverage bottles, dishwashing soap bottles, shampoo bottles and similar items, excluding lids and caps.

Plastic #2 (HDPE) container - plastic containers imprinted with SPI Code No. 2, such as plastic milk jugs, water bottles, detergent bottles, and similar items, but excluding lids, caps and motor oil bottles.

Private hauler - a person licensed by the Commonwealth per the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq., to collect, haul, transport and dispose of municipal waste and/or recyclables. All such haulers shall comply with the provisions of the aforementioned program, as well as all Federal, State, and local laws, rules and regulations.

Recyclable materials or recyclables - materials designated as recyclable in this Part and recycling regulations which may be promulgated from time to time. The Township hereby designates glass containers, bimetallic cans, aluminum cans, high-grade office paper, newspapers, corrugated material and plastic #1 and plastic #2 containers as recyclable materials and recyclables. The list of recyclable materials may be amended from time to time by resolution of the Board of Supervisors of East Vincent Township.

Recycling center - a facility designed to, and which does, act as a collection center for the processing, storage and shipment of recyclables. The term specifically excludes transfer stations and landfills for solid waste and composting facilities and resource recovery facilities and, specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.

Township - East Vincent Township, Chester County, Pennsylvania.

(Ord. 174, 3/17/2004, §2)


1. All municipal waste generated on private property within the Township shall be stored so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance.

2. All municipal waste accumulated on private property in the Township shall be placed in sanitary closed or covered containers in accordance with the following standards:

A. Containers used for the storage of municipal waste shall be of metal (rust and corrosion resistant), or sturdy synthetic material equipped with lids and waterproof and leak-proof.

B. Containers containing municipal waste shall not be placed out for collection more than 12 hours before the day of collection and the empty containers shall be removed within 12 hours after the municipal waste has been collected.

C. Except as otherwise required by law, no person, except the occupants of the property on which a waste container is placed, an authorized private hauler, and the Township Code Enforcement Officer shall remove the lids of the container and/or remove the contents thereof.

D. All hazardous waste including, but not limited to, municipal waste of a highly flammable or explosive nature or highly infectious or contagious municipal waste.
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waste, shall not be stored for ordinary collection, but shall be specially disposed of in accordance with the directions of the Township, or of any State or Federal authority having jurisdiction thereof.

E. Containers, other than bulk containers, shall be placed at such locations as may be agreed upon by the person and the authorized private hauler.

F. Bulk containers (such as dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the private hauler which will enable clear and easy access to the container by the private hauler's vehicle.

G. Bulk containers shall not be permitted to overflow or to have municipal waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Part by the person on whose property the bulk container is located, if it is located on private property.

(Ord. 174, 3/17/2004, §3)

§20-104. Required Collection.

1. All owners of private property within the Township shall provide for the regular preparation, collection and removal of all municipal waste generated at such properties in the manner set forth herein.

2. All municipal waste generated at residences within the Township shall be collected and removed at regular, scheduled collection intervals at least once each week, except where conditions prevent it which are beyond the control of the owner or occupant of the property or the private hauler (as applicable).

3. Nothing herein shall limit the right of the Township to implement public collection of municipal waste or recyclables either by entering into contracts or by engaging in any collection practice permitted by law.

4. Nothing in this Section shall modify the requirements in this Part pertaining to separation and disposal of recyclables. Nothing in this Section shall impair the ability of the Township to provide a system of placement for removal and public collection of leaf waste, or for Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

(Ord. 174, 3/17/2004, §4)

§20-105. Exceptions.

1. Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste or recyclables on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania Department of Environmental Protection (DEP), provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste and recyclables as required herein.

2. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including use of newspaper (e.g., shredding for bedding for farm animals), composting and spreading of manure or other farm-produced agricultural wastes.

(Ord. 174, 3/17/2004, §5)
§20-106. Transportation of Municipal Waste and Recyclables.

1. Any person transporting municipal waste or recyclables within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste or recyclables.

2. All persons authorized to transport municipal waste or recyclables shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.

3. The transfer of municipal waste or recyclables from one collection vehicle to another may not take place in the Township, except on private property in the Industrial Zoning Districts or elsewhere in the event of traffic accidents. Except as caused by traffic accidents, no such transfer may take place on any public right-of-way and no such transfer operation may block traffic, create litter or in any other manner constitute a nuisance, create a health hazard or violate any other ordinance of the Township or provision of statutory law.

(Ord. 174, 3/17/2004, §6)


All municipal waste collected from properties in the Township shall be transported and disposed of only at a facility or landfill approved by the DEP.

(Ord. 174, 3/17/2004, §7)


Leaf waste shall be kept separate from all other forms of municipal waste and separate from recyclables. If the municipal waste generated at the property is collected by a private hauler, then the landowner shall place leaf waste at the curb for collection at the times designated for municipal waste collection in accordance with the provisions of this Part, or otherwise disposed of in a manner designated from time to time by resolution of the Township Board of Supervisors. Any person who directly delivers (self-hauls) his municipal waste to sites designated by the DEP shall deliver his leaf waste to compost sites. Any person who otherwise provides for the proper disposal of leaf waste by composting shall not be required to comply with the provisions of the subsection.

(Ord. 174, 3/17/2004, §8)

§20-109. Establishment of Program.

There is hereby established a program for the mandatory separation and collection of recyclable materials from municipal waste, as set forth herein, from residential, commercial, institutional and municipal premises within the Township.

(Ord. 174, 3/17/2004, §9)

§20-110. Separation of Recyclables.

1. Recyclables shall be kept separate from and disposed of separately from municipal waste and leaf waste, to the extent required by the following provisions:

   A. Owners or occupants of all residential properties shall separate recyclable materials from municipal waste and leaf waste generated at residences and shall
store said materials until they are collected for recycling in accordance with the provisions of §§20-111 and 20-112 below. An owner, landlord, or agent of an owner or landlord, of a multi-family housing property shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property in accordance with §20-112 below.

B. In addition to the recyclable materials designated herein, owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall separate high-grade office paper and corrugated paper from municipal waste generated at the properties or locations of the community activities and shall store all such recyclable materials until they are collected for recycling in accordance with the provisions of §20-113 below. An owner, or agent of an owner, or a commercial, municipal or institutional establishment or property, or a sponsor or organizer of a community activity involving 100 people or more, shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property, or location of community activity, as applicable, in accordance with §20-113 below.

2. Newspaper shall be tied securely both across and lengthwise in easy-to-manage bundles or placed in paper bags or corrugated paper boxes, each of which shall not exceed 50 pounds in weight, and kept dry. All other recyclable materials shall be emptied and cleaned and placed co-mingled in containers supplied by the private hauler or in other suitable type of rigid and waterproof open top containers holding not less than 5 gallons or more than 30 gallons, and shall not exceed 50 pounds in weight.

(Ord. 174, 3/17/2004, §10)

§20-111. Disposal or Placement for Removal of Recyclables; Residential (Other than Multi-Family Housing Properties) and Municipal.

For residential properties, other than multi-family housing properties, and municipal properties, all recyclable materials shall either be placed at curbside to be collected by a private hauler at times designated by the private hauler or by resolution of the Township Board of Supervisors or taken directly to a recycling center. Containers containing recyclables shall not be placed out for collection more than 12 hours before the day of collection and the empty containers shall be removed within 12 hours after the recyclables have been collected.

(Ord. 174, 3/17/2004, §11)

§20-112. Disposal or Placement for Removal of Recyclables; Multi-Family Housing Properties.

1. For multi-family housing properties, all recyclable materials shall either be delivered directly to a recycling center, or shall be picked up by a private hauler separately from municipal waste, in a prearranged manner.

2. Recyclables generated in multi-family housing properties shall not be placed at the curbside for collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multi-family housing properties and in municipal properties.

3. The landlord of every multi-family housing property shall require, by a clause
in the lease or other enforceable rule or regulation, that the occupants in such property comply with the requirements of this Part governing separation and disposal or placement for removal of recyclables in multi-family housing properties. Every such landlord shall set up a convenient and practical system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by residents of such properties. Such system shall include suitable containers for collecting and sorting recyclables, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. In addition, such owners, landlords, and agents shall annually provide written documentation and certification to the Township of the total number of tons of materials and the types of materials recycled. Such owners, landlords, and agents may comply with the reporting requirements hereunder by requiring their private hauler to provide said documentation and certification directly to the Township. Owners, landlords, and agents of owners or landlords who comply with this Part under thus subsection shall not be liable for the noncompliance of occupants of their buildings.

(Ord. 174, 3/17/2004, §12)

§20-113. Disposal or Placement for Removal of Recyclables; Commercial and Institutional and Community Activities.

All recyclable materials accumulated by commercial and institutional establishments and properties and community activities shall either be delivered directly to a recycling center or shall be picked up by a private hauler separately from municipal waste, in a prearranged manner. Commercial and institutional establishments and community activities shall not place recyclables at the curb-side for collection, such curb-side collection being intended solely for the placement of recyclables generated in residential properties, other than multi-family housing properties, and municipal properties. In addition, such commercial and institutional establishments and properties shall annually provide written documentation and certification to the Township of the total number of tons of materials and the types of materials recycled. Such commercial and institutional establishments and properties may comply with the reporting requirements hereunder by requiring their private hauler to provide said documentation and certification directly to the Township.

(Ord. 174, 3/17/2004, §13)

§20-114. Prohibition Against Burning Recyclables.

No person who is not specifically authorized to do so by the Commonwealth of Pennsylvania shall burn or incinerate any recyclable material.

(Ord. 174, 3/17/2004, §14)


1. With the exception of those persons who directly deliver (self-haul) their municipal waste and/or recyclables, it shall be unlawful for any person, other than such persons as are duly authorized by the Commonwealth, to collect or remove municipal waste or recyclables from any other person's property, and transport municipal waste or recyclables within or from the Township. Any and each such collection in violation hereof from each location shall constitute a separate and distinct offense punishable as
hereinafter provided.

2. All agreements for collection, transportation and disposition of municipal waste and recyclables shall be by private contract between the owner or occupant of the property where the waste is generated and the private hauler who is to collect such waste and/or recyclables.

3. Nothing in this Part shall be construed to prevent, penalize or otherwise make illegal the donation of recyclables to any person, partnership, corporation or charitable entity.

(Ord. 174, 3/17/2004, §15)


1. Except as set forth in subsection .2 below, from the time of placement for collection of residentially generated recyclables for collection by a private hauler, in accordance with the terms of this Part, the items shall be and become the property of the private hauler.

2. The presence of any articles containing a person's name among municipal waste or recyclables shall create a rebuttable presumption, for purposes of this Part, that said municipal waste or recyclables are the property of the person who name is found therein. This presumption can only be rebutted by clear and convincing evidence to the contrary.

(Ord. 174, 3/17/2004, §16)

§20-117. Responsibilities of Private Haulers Collecting Within the Township.

1. All private haulers shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit, as issued by DEP or other applicable authorized agency, and to service each of their customers in accordance with each customer's recycling plan (where applicable), failure of which shall be a violation of this Part.

2. All private haulers contracted for the collection of municipal waste within the Township shall provide their customers the service of recyclables collection as described herein. Failure to provide such recyclables collection shall be a violation of this Part.

3. All private haulers contracted for the collection of municipal waste within the Township shall convey and dispose of municipal waste only at such sites approved by the DEP.

4. Private haulers shall have the window sticker issued for each vehicle with the license displayed on the vehicle for which it is issued as directed by the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq.

5. Private haulers shall have placed on the doors or each side of the body of each vehicle the name of the hauler, the telephone number of the hauler's office or headquarters, and the type of waste being transported therein (or, if recyclables are being transported therein, then such is to be indicated). The size of such lettering shall be no less than 6 inches in height and clearly legible. Vehicles shall be so marked within 10 days after the commencement of their use in the Township.

6. Private haulers shall be responsible for maintaining each vehicle used for
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collection in the Township in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean so as to present a favorable appearance. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids.

7. Private haulers shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of municipal waste and recyclables under the terms of this Part.

8. Private haulers shall pay all costs charged for the use of any disposal facilities which the private hauler utilizes.

9. Private haulers shall empty bulk containers (such as dumpsters) which have been provided by them to their customers when such bulk containers become full.

10. At least annually, and upon request of the Township, a private hauler shall provide to the Township any and all of the private hauler’s records, pertaining to customer lists, collection records, and weight slips and receipts from landfills, transfer stations, and recycling centers (as applicable). The Township shall have the right to request and receive such records to the extent it may deem same to be necessary to the furtherance of the purposes, administration and enforcement of this Part. Once a written request for records is made by the Township pursuant hereto, the private hauler to whom the request is directed shall comply therewith and supply the requested records in accordance herewith within 10 calendar days from the date of the request, failure of which shall be a violation of this Part.

(Ord. 174, 3/17/2004, §17)

§20-118. Insurance Requirements.

1. All private haulers operating in East Vincent Township shall be properly licensed or permitted as required by law and shall carry the following minimum liability insurance coverage:

   A. General liability insurance (non-automotive) for bodily injury and property damage in the amount of $1,000,000 per occurrence but with the aggregate limit of $2,000,000.

   B. Automotive liability insurance for bodily injury in a minimum amount of $1,000,000 per occurrence and property damage in the minimum amount of $500,000.

   C. Umbrella excess liability coverage for all types of claims in the amount of $3,000,000.

2. The private hauler shall deliver to the Township a certificate issued by an insurance company reasonably satisfactory to the Township, indicating that the private hauler has obtained the aforesaid insurance. The private hauler shall have the right to substitute other insurance policies containing the same provisions as the original policies; provided however, that all such policies shall be in a form as issued by insurance companies, reasonably acceptable to the Township.

(Ord. 174, 3/17/2004, §18)

§20-119. Private Haulers Not to Accept Unlawfully Disposed of Recyclables.

No private hauler shall accept, pick up or remove any bag or other container of
municipal waste which the hauler knows, or has reason to believe contains recyclables.

(Ord. 174, 3/17/2004, §19)

§20-120. Private Haulers to Provide White Goods Removal Service.

All private haulers doing business within the Township of East Vincent shall make available to their customers the service of removal of "white goods" (discarded major appliances, television sets, and similar articles). The Township shall create and maintain a list of private individuals who deal with the removal of freon from refrigerators and air-conditioning units for residents.

(Ord. 174, 3/17/2004, §20)

§20-121. Enforcement and Administration.

The Township Board of Supervisors and its designee are hereby authorized and directed to enforce this Part. The Board of Supervisors is hereby authorized and may establish by resolution reasonable regulations as to the manner, materials, days of each month, and times for the collection of recyclable materials in accordance with the terms hereof, and any other matters required to implement this Part. The Board of Supervisors may change, modify, repeal or amend any portion of said rules and regulations at any time.

(Ord. 174, 3/17/2004, §21)

§20-122. Violations and Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. For purposes of this Section, the doing of any act or thing prohibited by this Part, or the failure to do any act or thing as to which any provision of this Part creates any affirmative duty, shall constitute a violation of this Part, punishable as herein stated. [Ord. 185]

2. Private haulers who shall violate any provision of this Part may be reported to the DEP, by the Township, and may be subject to the revocation of the Commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A §6201 et seq.

(Ord. 174, 3/17/2004, §22; as amended by Ord. 185, 8/2/2006)

§20-123. Conflicting Requirements.

Whenever the requirements of this Part are in conflict with other requirements of the ordinances of the Township, those imposing the highest standard shall govern.

(Ord. 174, 3/17/2004, §23)

The terms and provisions of this Part are to be liberally construed, so as to best achieve and effectuate the goals and purposes hereof. This Part shall be construed in pari materia with Act 97, Acts 101 and the rules and regulations adopted thereunder. 

(Ord. 174, 3/17/2004, §23)