

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO X OF 2024

AN ORDINANCE AMENDING CHAPTER 87 OF THE WILLISTOWN TOWNSHIP CODE, BEING GARBAGE, RUBBISH AND REFUSE ORDINANCE CHANGING THE HAULER LICENSE REQUIREMENT TO A YEARLY REGISTRATION, UPDATING THE DEFINITIONS, AND ESTABLISHING MONTHLY YARD WASTE COLLECTION

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, Chapter 87 Of the Code of Willistown is hereby amended to read as follows:

SECTION 1. The Code of the Township of Willistown, Chapter 87-2 A(1), is amended to read as follows:

87-2 A(1) Disposal of garbage and refuse.

A (1) By removal beyond the limits of the township by a registered collector; or

SECTION 2. The Code of the Township of Willistown, Chapter 87-7, is amended to read as follows:

87-7 Spillage of refuse.

No person shall permit any outfalling from the conveyance of refuse to lie upon any premises or upon or along any public or private road in the township. Failure of any registered collector to remove the same after being notified to do so by the township police or other township official shall be grounds for immediate cancellation of that collector's registration with the Township.

SECTION 3. The following definitions contained within the Code of the Township of Willistown, Chapter 87-11, are amended to read as follows:

87-11 Definitions.

CHESTER COUNTY WASTE MANAGEMENT PLAN

The Chester County Act 101, Municipal Waste Management Plan, adopted by the Chester County Board of Commissioners on September 25, 1990 and last revised October 2012, in accordance with the requirements of Section 501 of the Municipal Waste Act, and approved by the Pennsylvania Department of Environmental Resources on December 11, 2012, as may be amended from time to time.

MUNICIPAL WASTE COLLECTOR

Any person collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Willistown Township and any business or institution within Willistown 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 registered pursuant to the provisions of this article.

SECTION 4. The Code of the Township of Willistown, Chapter 87-12, is amended to read as follows:

87-12 Registration required.

It shall be unlawful for any municipal waste collector to collect, remove and/or transport municipal waste or recyclable materials within Willistown Township without registering with the Board of Supervisors of Willistown Township and maintaining full compliance with all conditions of said registration and all requirements of this article and the Willistown Township Recycling Ordinance.

SECTION 5. The Code of the Township of Willistown, Chapter 87-13, is amended to read as follows:

87-13 Application for registration; renewal.

All municipal waste collectors shall register to collect, remove and/or transport municipal waste and/or recyclable materials within Willistown Township on application to the Board of Supervisors. Said municipal waste collector may collect, remove or transport municipal waste or recyclable materials within the township for a period of one year from the date of issuance of registration or until January 31 of the next calendar year from the calendar year in which municipal waste collector registers, whichever is earlier, only so long as the registered municipal waste collector is in full compliance with the terms and conditions of said registration and the requirements of this article and the Willistown Township Recycling Ordinance and any regulations enacted pursuant thereto. Each registrant must renew the registration no later than January 31 of each calendar year. Any municipal waste collector who has registered shall have the privilege of collecting, removing and transporting any municipal waste recyclable materials, or leaf waste picked up within the boundaries of Willistown Township, which registration shall not be transferable.

- A. 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, business address and telephone number of the business office to receive calls from persons in the township who receive collection service.
 - (2) The name, address and telephone number of the officers of the corporation or general partners of the partnership, if applicable.
 - (3) A certificate of the applicant's workmen's compensation insurance, as required by law.
 - (4) A certificate of insurance coverage covering complete third-party public liability for both bodily injury and property damage, owner's and collector's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Board of Supervisors by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to Willistown Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to Willistown Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
 - (5) The state-permitted disposal site where municipal waste and leaf waste will be taken for disposal.
 - (6) The processing and/or marketing facilities where the recyclable materials will be taken.
 - (7) Such other information as the township, in furtherance of this article, shall deem appropriate and necessary.

SECTION 6. The Code of the Township of Willistown, Chapter 87-14, is amended to read as follows:

87-14 Collection of recycling materials and leaf waste.

As a condition to issuance and continued validity of any registration issued hereunder, the municipal waste collector shall establish a program for the collection, transportation and recycling of recyclable materials and leaf waste, 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, institutional and municipal establishment and community activity served. Collection, removal and recycling of designated recyclable materials shall include the commingling of the following items in the recycling container provided by the hauler: glass, aluminum cans, plastics (excluding plastic bags and any polystyrene items containing plastic), cardboard and paper. The collection and removal of recyclable materials from each commercial, institutional and municipal establishment shall occur at least once every other week or when its provided container is full, in accordance with regulations adopted hereunder and the Willistown Township Recycling Ordinance and regulations adopted thereunder. In addition, adequate recycling containers must be provided at all community activities and collected at the termination of said activities by the event organizers, in accordance with the Act 101 requirement.
- 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 60 gallons in size or greater, shall be made of durable plastic and shall be clearly marked as recycling containers.
- C. Provide as an option for residential and commercial, municipal, and institutional establishments a program for the collection of leaf waste at a minimum of once per month, in accordance with regulations adopted hereunder and the Willistown Township Recycling Ordinance.
- D. Issue warning notices of violations on forms provided by the township to residents 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 yearly written documentation and certification to the township on forms provided by the township of the total number of tons of materials, the types of materials and the place of disposition of materials recycled. Reports shall be filed by January 31 of each year.

SECTION 7. The Code of the Township of Willistown, Chapter 87-15, is amended to read as follows:

87-15 Prohibited acts.

It shall be unlawful and a violation of this article and grounds for the immediate suspension or revocation of a registration or the denial of a renewal registration for any municipal waste collector to:

- A. Collect or transport recyclable materials or leaf waste which is commingled or mixed with municipal waste from any resident in violation of Article III of this chapter, the Willistown Township Recycling Ordinance, and regulations adopted thereunder.
- B. Commingle 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 Act 101, Waste Management Plan and the Waste Flow Control Ordinance. [Amended 9-14-1993 by Ord. No. 6-1993]
- D. Fail to recycle recyclable materials in accordance with this article and other township ordinances and federal and state 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.

SECTION 8. The Code of the Township of Willistown, Chapter 87-16, is amended to read as follows:
87-16 Conditions of registration.

As a condition to the issuance and continued validity of any registration, the registrant shall comply with the following:

- A. Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection of municipal waste shall be of the closed metal-body-type with an automatic compactor unit. Said vehicle shall have and display a valid Pennsylvania vehicle registration sticker and shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquids or fluids. Other-type vehicles may be used only for the collection of recyclable materials, leaf waste, white goods and Christmas trees, provided that such items are separately collected in accordance with other provisions of this article and regulations adopted hereunder and Article III of this chapter, the Willistown Township Recycling Ordinance, and regulations adopted thereunder. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.
- B. Compliance. The registrant shall at all times comply with the provisions of this article and the regulations adopted hereunder and with Article III of this chapter, the Willistown Township Recycling Ordinance, and regulations adopted thereunder and the provisions of this chapter.

SECTION 9. The Code of the Township of Willistown, Chapter 87-17, is amended to read as follows:

87-17 Refusal to grant registration; suspension, revocation.

The Board of Supervisors of Willistown Township shall have the right to refuse to approve the registration application of any municipal waste collector or to revoke or suspend a registration previously issued or refuse to renew the same if said municipal waste collector or its agents, servants or employees fail to comply with any provision of this article or any regulation adopted hereunder; any provision of Article III of this chapter, the Willistown Township Recycling Ordinance, or any regulation promulgated thereunder; any provision of the Chester County Act 101, Municipal Waste Management Plan or the Waste Flow Control Ordinance; or any provision of the Pennsylvania Solid Waste Management Act, the Municipal Waste Act or any regulations promulgated thereunder.

SECTION 10. Section 87-18 is hereby deleted, and all subsequent sections of the chapter shall be renumbered accordingly

SECTION 11. The following definition contained within the Code of the Township of Willistown, Chapter 87-22, is amended to read as follows:

REGISTERED MUNICIPAL WASTE COLLECTOR

Any person collecting, removing or transporting municipal waste and/or recyclable materials for owners or occupants of property in Willistown Township and any business or institution within Willistown Township which generates municipal waste or recyclable materials and uses its own employees and

equipment for the collection, removal or transportation of municipal waste or recyclable materials. All municipal waste collectors shall be registered pursuant to the provisions of the Willistown Township Municipal Waste Collectors Ordinance.

SECTION 12. The Code of the Township of Willistown, Chapter 87-23, is amended to read as follows:

87-23 Program established.

A program for the mandatory source separation and collection of recyclable materials and waste within Willistown Township, Chester County, Pennsylvania is established hereby. No person shall dispose, collect, treat, remove and/or transport municipal waste, recyclable materials or leaf waste within Willistown Township except in accordance with this article. The use of a registered Municipal Waste Collector will not relieve any person from compliance with this article.

SECTION 13. The Code of the Township of Willistown, Chapter 87-24, is amended to read as follows:

87-24 Residential recycling

A. Recyclable materials. All residents of Willistown Township shall separate and segregate recyclable materials from all municipal waste generated at their properties. The separated recyclable materials may be commingled in a single recycling container provided by the registered 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. Such containers shall be provided by the registered municipal waste collector.

B. Leaf waste. All residential and commercial, municipal, and institutional establishments must separate leaf waste from municipal waste and recycling collection, and place leaf waste curbside for collection.

C. Collection. Collection of recyclable materials shall be made only by a registered municipal waste collector at a minimum of one time every other week.

D. Multifamily residences. An owner, landlord or agent of an owner or landlord of multifamily residential housing properties with four or more units or the residents of multifamily residential properties 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 at each property and pickup by a registered municipal waste collector. 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 Willistown Township of the total number of tons of materials and the types of materials recycled. Such owners, landlords, agents and homeowners' associations may comply with the reporting requirements hereunder by requiring their registered 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.

SECTION 14. The Code of the Township of Willistown, Chapter 87-25, is amended to read as follows:

87-25 Commercial, institutional, and municipal recycling.

All persons occupying commercial, institutional and municipal establishments, and all persons conducting community activities within Willistown Township, shall separate and segregate from municipal waste

high-grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be changed from time to time by resolution of the Board of Supervisors of Willistown Township, generated at such establishments; store the materials until collection for recycling by a registered municipal waste collector; make arrangements to have a registered 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 Willistown Township of the total number of tons of materials and the type of materials recycled. Such persons may comply with the reporting requirements hereunder by requiring their registered municipal waste collector to provide said documentation and certification directly to the township.

SECTION 15. The Code of the Township of Willistown, Chapter 87-27, is amended to read as follows:

87-27 Ownership of materials prior to collection.

Nothing in this article 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 registered municipal waste collector.

SECTION 16. The Code of the Township of Willistown, Chapter 87-28, is amended to read as follows:

87-28 Ownership of materials after collection; unauthorized collection prohibited.

From the time of collection of recyclable materials by a registered 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 registered municipal waste collector. It shall be a violation of this article for any person not duly authorized by Willistown Township 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 registered 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.

SECTION 17. The following definition contained within the Code of the Township of Willistown, Chapter 87-33, is amended to read as follows:

HAULER or PRIVATE COLLECTOR

Any person registered and/or insured by the appropriate governmental agencies to collect, transport and dispose of garbage and/or refuse.

SECTION 18. Effective Date. This Ordinance shall be effective five (5) days from the date of enactment.

SECTION 19. Repealer. All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

- SIGNATURES ON NEXT PAGE -

ENACTED and **ORDAINED** this 25th day of November, 2024.

**BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP**

Robert T. Lange, Chair

William R. Shoemaker, Vice Chair

Molly H.B. Perrin, Member

ATTEST:

Shanna P. Lodge, Manager