



## **West Caln Township Recycling Ordinance Project #612**

Prepared for:

**West Caln Township**

721 West Kings Highway

PO Box 175

Wagontown, PA 19376-0175

(610) 383-5643

Sponsored by:

**Pennsylvania Department of Environmental Protection**

400 Market Street

Harrisburg, Pennsylvania 17101

(717) 787-8685

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

Prepared by:

**SCS ENGINEERS**

11260 Roger Bacon Drive

Suite 300

Reston, Virginia

(703) 471-6150

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Task #12

SCS Engineers is a waste management, environmental engineering, consulting, and construction firm. Nothing herein shall be considered or interpreted to be the provision of legal services or advice.

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## 1 STATEMENT OF PROBLEM

West Caln Township (Township) is mandated to conduct a curbside recycling program by the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) for recycling. The Township is located in Chester County and the U.S. Census Bureau counted the Township's population to be 9,014 in the 2010 census. The Township's solid waste and recycling program serves about 3,500 households.

The Township's solid waste and recycling ordinance is outdated and is due for a review and update. Technical assistance was requested to remove outdated language and develop new language that better reflects the current landscape with respect to waste and recyclable materials management.

## 2 SUMMARY OF WORK PERFORMED

The following summarizes the work performed for this project:

### **Task #1: Summary of Act 101 Requirements**

West Caln Township is a mandated Act 101 small recycling community. For this task, SCS developed a summary of Act 101 requirements for mandated communities (**Appendix A**).

### **Task #2: Obtain and Review Current Solid Waste and Recycling Ordinance**

SCS obtained a copy of the Township’s current solid waste and recycling ordinance. The ordinance was reviewed with the following considerations in mind:

- 1) Compliance with Act 101;
- 2) Incorporation of specific suggestions and requests from the Township;
- 3) SCS’s familiarity with other local Pennsylvania recycling ordinances and important provisions to include.

### **Task 3: Make Recommendations for Improving Ordinance**

The results of this task comprise the body of this report. A revised draft ordinance for the Township’s consideration was developed. Note that it is important for the Township solicitor to review and approve changes to the ordinance before it goes to the Township’s Board of Supervisors for approval.

### **Task 4: Final Report**

The final task for this project was to develop this report that contains the results of our research, suggested ordinance modifications, and development of a revised draft ordinance for the Township’s consideration.

### 3 RESULTS

#### CURRENT PROGRAM

West Caln Township is an Act 101 mandated small population recycling community. The Township does not provide solid waste and recyclable material collection services to residents or commercial/institutional properties, but instead relies on individual homeowners and business owners to contract with haulers for solid waste and recyclable materials collection service. The following haulers have registered their services with the Township and their contact information appears on the Township’s website:

AJB Trash and Recycling Service	Republic Services
Charles Blosenski	Country Disposal
Eagle Disposal	Waste Management

The Township reports that in 2017 approximately 800 tons of solid waste were collected annually by haulers. In addition, about 550 tons of recyclable materials were also collected making the Township’s estimated recycling rate about 40 percent. **Table 1** summarizes the tons of recyclable materials collected by haulers in the Township.

**Table 1. Recyclable Material Tonnages Collected**

Material*	Tons Collected
Single Stream (includes containers, paper, cardboard)	136
Comingled Materials (bottles, cans, jars, etc.)	187
Cardboard	3
Mixed Paper	240
TOTAL	566

\*Some haulers collect recyclable materials using a single stream collection method while other haulers collect paper materials separate from bottles and cans (comingled materials).

The Township does not have a program for the collection and composting of leaf waste. In addition, no specific programs exist to accommodate the management and disposal of large items, electronics, and/or hazardous waste. Individuals with those materials needing disposal are required to contract the Chester County Solid Waste Authority or the Lanchester Landfill for information on how to dispose of those items.

## ORDINANCE LANGUAGE

A current and clear recycling ordinance is important for encouraging and facilitating recycling in the Township. This section provides an overview of the current Township ordinance along with suggestions for improving it. **Appendix A** is a summary of the Act 101 requirements for mandated recycling communities.

### Definitions

It is important that the terms and materials included in the recycling ordinance be clearly defined. The current ordinance is missing several definitions that create confusion related to the requirements for recycling and what materials must be diverted. SCS suggests including additional definitions in the recycling ordinance to include all types of materials required for recycling. Some definitions are missing while other definitions are outdated. SCS recommends incorporating definitions from the *Pennsylvania Code, Chapter 271, Municipal Waste Management – General Provisions, Subchapter A. General, Section 271.1 Definitions* to expand the list of definitions currently included in the Township’s recycling ordinance. **Appendix B** contains a list of terms and corresponding definitions that could be incorporated into the Township’s revised recycling ordinance.

### Registration of Haulers

Chapter 62 of the Waste Transportation Safety Act (Act 90) requires municipal and residual waste haulers using waste disposal and processing facilities in Pennsylvania to have a valid waste transporter authorization. Implementation of Act 90 is largely understood to replace local government efforts to license waste haulers. In order to exercise some control over haulers operating in the Township, SCS recommends the recycling ordinance reference “township-authorized” haulers as the criteria for establishing limitations on who is allowed to collect waste and recyclable materials. The Township’s current recycling ordinance includes the requirement that haulers register with the Township to be authorized to collect waste and recyclable materials. SCS understands the requirements for hauler registration may not be enforced at this time. Requiring hauler registration may help protect public and the Township and can facilitate information sharing on waste and recyclable material collection quantities. The draft recycling ordinance in **Appendix D** includes sample language and requirements for a hauler registration program.

### Leaf Waste

As an Act 101 mandated recycling community, the Township is required to establish a program that collects leaf waste from residential, commercial, institutional, industrial and municipal establishments. Despite the Township being rural, it is still required to establish a leaf waste collection program even though many residents manage leaf waste on their own property. The Township’s current ordinance includes requirements for leaf waste to be separated from municipal solid waste; however, no program is designated for the collection of leaf waste. **Appendix C** summarizes the Act 101 requirements for leaf waste separation and collection. The requirements include that leaf waste be collected curbside at least once per month or that leaf waste be collected curbside two times per year (once in the spring and once in the fall) and that

the Township establishes a drop-off program where residents can deposit leaf waste at least once per month. The designated leaf waste drop off site may be located in a neighboring municipality or at a private facility provided an agreement be in place for the Township to use the facility. It is the Township's responsibility to inform residents and owners or occupants of commercial, institutional, industrial, and municipal establishments of the location for leaf waste drop-off. The draft recycling ordinance provides example requirements for the separation and collection of leaf waste. As drafted, the ordinance requires residents to contract with a hauler to have leaf waste collected at least once per month. Should the Township decide that establishing a drop-off location would serve residents better; the recycling ordinance will need to be modified to reference that program.

### **Recyclable Materials**

The Township's existing solid waste and recycling ordinance does not specify what materials are designated for recycling at residential dwellings. Designating a core list of recyclable materials in the Township with multiple haulers can be challenging; however, to facilitate consistency of recycling in the Township, it is recommended that such a list be selected. This goes beyond the requirements of Act 101 for residential recycling that provides flexibility with what materials are to be recycled. These requirements include that at least three materials must be recycled from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, and plastics. If the Township prefers not to establish a core list of materials for recycling, ordinance language for residential recycling should indicate the requirements laid out in Act 101. Act 101 provides a prescribed list of materials for recycling at commercial, institutional, industrial, and municipal establishments and from community activities, which includes aluminum, corrugated paper, high-grade office paper, and leaf waste. Municipalities have the ability to require these establishments recycle more materials. The draft recycling ordinance requires recycling of the minimum materials as provided for in Act 101 for commercial, institutional, industrial, and municipal establishments and from community activities.

The example recyclable materials definition in the draft recycling ordinance (**Appendix D**), designates the following material as required for recycling by residential establishments: aluminum, bi-metal containers, corrugated paper, ferrous containers, glass containers, high-grade office paper, leaf waste, magazines and periodicals, mixed paper, newspapers, paperboard/chipboard, and plastic containers. Should the Township require specific materials to be recycled, they will need to work with haulers to develop the list of acceptable materials keeping in mind the specific requirements of Act 101.

### **New Sections**

#### **Authority to Establish Regulations**

Prior to the "establishment of [recycling] program" section, the Township should designate their authority to develop and approve solid waste and recycling requirements. Such language should provide for how the Township will do this and requirements for notifying the public if the requirements are amended or modified by resolution.

**Requirement for Waste and Recycling Service**

An important provision to incorporate into the Township’s solid waste and recycling ordinance is the obligation that all residents in the Township have waste and recycling service. This is a condition of Act 140 that amends Act 101 to establish the requirements for Section 904 Recycling Performance Grants. Without this requirement, the Township may not be eligible to receive Section 904 Recycling Performance Grants.

**Separation, Preparation, Placement, and Collection of Recyclable Materials**

This section consolidates several provisions in the Township’s existing solid waste and recycling ordinance and organizes the requirements based on the following sources of waste and recyclable materials generation:

- Residential Establishments;
- Multi-Family Establishments;
- Commercial, Institutional, Industrial, and Municipal Establishments;
- Community Activities.

The requirements for recycling materials by each waste generating source addresses how materials are to be separated, prepared, placed, and collected for recycling. The requirements are written to comply with Act 101 mandates and specify such conditions as collection frequency and reporting of recycling tonnages to the Township.

**Unlawful Activities**

It is recommended that the Township establish a section in the ordinance that lists unlawful activities that must be observed by everyone in the Township. The Township’s existing ordinance already includes a provision prohibiting the collection of recyclable materials by unauthorized persons. However, no prohibitions exist for the burning of recyclable materials and leaf waste and other activities that can result in nuisance activities. Unlawful activities that may be included in this section include:

- Collection by unauthorized persons;
- Burning of recyclable materials and leaf waste
- Illegal dumping/littering;
- Overfilling containers;
- Creating a public nuisance.
- Storing/stockpiling materials; and



- Hindering the waste management activities.

Note that a provision prohibiting the burning of recyclable materials and leaf waste is required to ensure compliance with Act 101.

### **Hauler Prohibitions**

This section lists activities that haulers collecting solid waste and recyclable materials in the Township are restricted from carrying out. These requirements are designed to maintain integrity in the Township recycling program while encouraging compliance with Act 101 and facilitating a safe community. Specifically addressing each of these issues in the ordinance will give the Township a greater ability to enforce and penalize haulers for breaking these rules. The Township may wish to modify these suggested requirements to the specific needs and desires of township residents, haulers, and governing officials.

## **EDUCATION**

Public education and outreach are central to the success of the Township’s recycling program. It is also required by Act 101 to occur at least two times each calendar year at six-month intervals. Updating the Township’s recycling ordinance provides an opportunity to initiate educational activities to remind residents; occupants of commercial, industrial, institutional, and municipal establishments; and even waste haulers of the Township’s recycling program and their required participation.

The proposed revised recycling ordinance contains a number of program details and requirements that were not specified in the previous ordinance. Some provisions may be new to haulers collecting solid waste and recyclable materials while others may have been understood but not directly required as part of the existing ordinance. Other provisions may be different from those previously required. Prior to a revised recycling ordinance taking effect, the Township should launch a targeted public education and outreach campaign to make residents, haulers, and owners/occupants/employees of commercial, institutional, industrial, and municipal establishments aware of the revised ordinance and its requirements.

The type of media the Township uses to educate each of the entities above may be different. For example, a simple, eye-catching postcard mailer sent to all residents of single-family households will provide the necessary information. However, a more detailed letter outlining the new and revised provisions of the recycling ordinance may be more appropriate for haulers and owners of commercial or multi-family unit properties. The Township should continue to use other media, such as their website, newsletters, and social media to promote and educate residents on recycling.

## 4 RECOMMENDATIONS

**Section 3 – Results** of this report provide recommendations for the Township to update their recycling ordinance to facilitate compliance and divert more recyclable materials from disposal. The Township’s solicitor must review all changes or modifications proposed to the existing ordinance to ensure compliance with applicable laws and regulations prior to voting by the Township Council.

## 5 CONCLUSION

West Caln Township should revise their existing recycling ordinance in a way that best serves the Township's residents and owners/occupants of commercial, industrial, institutional, and municipal establishments. Township officials in conjunction with their Solicitor or legal counsel should decide what modifications should ultimately be made.

Appendix A  
Summary of Act 101 Requirements for Mandated Recycling Communities

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## Summary of Act 101 Requirements for Mandated Recycling Communities

### Overview

Chapter 15, Section 1501 of the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act (Act 101), outlines the requirements for large municipalities to recycle.

Municipalities, other than counties, with a population of 10,000 or more people or with a population of more than 5,000 but less than 10,000 people, and a population density of more than 300 people per square mile, are mandated to recycle.

### Recycling Ordinance

An Act 101 mandated local government must adopt an ordinance that requires recycling. The ordinance shall require the following:

- 1) Recycling at single-family homes and apartments; commercial, municipal, and institutional establishments; and at community activities.
- 2) A scheduled day, at least once per month, when separated recyclable materials are to be placed at the curb or similar location for collection.
- 3) A collection system, including trucks and related equipment, to pick-up separated recyclable materials from the curb or similar location at least once per month from homes and businesses in the municipality. The municipality shall explain how the system will operate, the dates of collection, the responsibilities of persons within the municipality and incentives and penalties.
- 4) Provisions to ensure compliance with the ordinance, including incentives and penalties.
- 5) Provisions for the recycling of collected materials.

### Residential Recycling

Residents must separate for recycling at least three materials deemed appropriate by the municipality from municipal waste generated at their homes, apartments, or other residential establishments. Separated materials must be stored at the property until collection. The three materials must be selected from the following:

- Clear glass;
- Colored glass;
- Aluminum;
- Steel and bimetallic cans;
- High-grade office paper;
- Newsprint;
- Corrugated paper;
- Plastics.

Leaf waste must also be separated from municipal waste generated at residential properties and stored for collection, unless residents have already provided for the composting of the materials (i.e. backyard composting).

Owners or landlords of multi-family rental properties with four or more units must establish a recycling collection system at each property. The collection system must include suitable

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containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners or landlords that comply with these requirements shall not be liable for noncompliance by occupants of their buildings.

### **Commercial, Municipal, and Institutional Recycling**

Occupants of commercial, municipal, and institutional establishments are required separate and store for recycling of the following materials at a minimum:

- High-grade office paper
- Aluminum;
- Corrugated paper;
- Leaf waste.

Occupants of commercial, municipal, and institutional establishments may be exempt from the requirements of this law if those persons have otherwise provided for the recycling of materials they are required to recycle. To be eligible for an exemption, the commercial, municipal, or institutional generator must provide written documentation to the municipality annually.

### **Community Activity Recycling**

Organizers of community events must provide for the separation, storage, and collection of high-grade office paper, aluminum, corrugated paper, and leaf waste at the events. Community activities required to recycle include events sponsored in whole or in part by a municipality or held within a municipality and sponsored privately. Events include fairs, bazaars, picnics, or sporting events that will be attended by more than 200 or more people each day of the event.

### **Leaf Waste Diversion**

Municipalities mandated to recycle under Act 101 must require residential and commercial establishments to separate and store leave waste for collection. Leaf waste includes leaves, shrubbery, tree trimmings, and similar materials, excluding grass clippings. These materials must be collected at least monthly. In order to comply with Act 101, mandated municipalities must at a minimum:

- 1) Implement an ordinance that requires leaf waste to be separated from municipal waste for recycling at residential and commercial, municipal, and institutional establishments, AND
  - 2) Establish a scheduled day, at least once per month, when leaf waste is collected curbside or similar location, OR
  - 3) Establish a scheduled day, no less than two times per year and preferably in the spring and fall, when leaf waste is collected curbside or similar location from residential and commercial establishments, AND facilitate a drop-off location or other collection alternative approved by the Pennsylvania Department of Environmental Protection that allows persons to drop-off leave waste for composting at least once per month. A leaf waste drop off site can be in a neighboring municipality or at a private establishment provided there is an agreement in place to utilize the site, and residents and occupants of commercial establishments are informed of the drop-off location at least every six months.
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Municipalities are encouraged to manage source separated Christmas trees as leaf waste for processing at DEP approved composting facilities.

### **Public Education and Outreach**

Municipalities subject to the requirements of Act 101 must implement a comprehensive and sustained public education program. This program is to provide residents and owners/tenants/occupants of commercial, municipal, and institutional establishments with information on recycling program features and requirements. The educational program includes two features:

- **Initial Education** – At least 30-days prior to the start of a recycling program notify all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements as contained in the ordinance.
- **Sustained Education** – Every six months the municipality must inform and remind all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements.

Numerous forms of educating the public are acceptable and include:

- Newspaper advertisement circulating in the municipality;
- Public notice posted where such notices are customarily posted;
- Notices in other official notifications (i.e. utility bills);
- Website;
- Newsletter;

A combination of forms are acceptable and at least one form must be in print annually.

### **Implementation**

Municipalities may implement their responsibilities for the collection, transportation, processing, and marketing of recyclable materials in one or a combination of the following ways:

- 1) Collect, transport, process, and market recyclable materials themselves;
  - 2) Enter into a contract(s) with other entities for the collection, transportation, processing, or marketing of recyclable materials. If contracting for recycling services, the entity being contracted is responsible to the municipality for implementing of recycling activities.
  - 3) Contract with a landfill or material recovery facility, in lieu of a curbside recycling program, that guarantees by contract that at least 25 percent of the waste received is recycled. The technology utilized in this program must have prior approval from DEP.
  - 4) Utilize a recycling facility that demonstrates that the materials separated, collected, recovered, or created by the facility can be marketed as readily as materials collected through a curbside recycling program. In addition, the mechanical separation technology used by the facility has been demonstrated to be effective for the life of the facility.
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### **Exceptions**

The municipality is not required to collect, transport, process, or market recyclable materials or contract for these services if all of the following conditions are met:

- 1) The municipality is not collecting and transporting municipal waste from such establishment or activity.
- 2) The municipality has not contracted for the collection and transportation of municipal waste from such establishment or activity.
- 3) The municipality has adopted an ordinance as required, and the establishment or activity complies with the provisions of the ordinance.

## **Act 140 Requirements for Section 904 Recycling Performance Grants**

### **Overview**

Act 101 was amended in 2006 by Act 140 to establishment requirements for the use of Section 904 Recycling Performance Grants.

### **Requirements:**

Municipalities mandated to recycle under Act 101 and receive more than \$10,000 in funding from recycling performance grants must meet the following requirements:

- 1) Requires, through ordinance, that all residents have waste and recycling service.
- 2) Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
- 3) Has a residential and business recycling education program.
- 4) Has a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides fines, penalties, or both, in its recycling ordinance.
- 5) Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.
- 6) Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.
- 7) Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipal or municipalities.

If these requirements are not satisfied by the municipality, then the grant funds awarded under this section must be expended by the municipality only to satisfy these requirements. If all these requirements are satisfied, then the grant funds awarded may be used for any expense as selected by the municipality.

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Appendix B  
Example Definitions

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## Sample Definitions

Act 101 – The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning Recycling and Waste Reduction Act of 1988

Commercial establishment - An establishment engaged in nonmanufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Composting - The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Corrugated paper - A structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Curbside recycling collection – the scheduled collection and transportation of recyclable materials place at the curb or other area designated by the collector.

High-grade office paper - Bond, copier, letterhead or mimeograph paper typically sold as “white ledger” paper; and computer paper.

Institutional establishment - An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Leaf waste - Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Mixed paper - Recyclable paper materials, excluding corrugated paper, magazines and periodicals, high-grade office paper, newspapers, and paperboard/chipboard, that includes junk mail, envelopes, index cards, receipts, and other designated recyclable paper.

Municipal waste - 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 and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

Paperboard/chipboard – A heavier and thicker paper used for packaging food and other goods and/or products. Includes cereal boxes, beer and soda cases, frozen food boxes and packaging for products such as toys, medicines, shoes, and other household products.

Person - An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency—including, but not limited to, the Department of General Services and the State Public School Buildings Authority—or another legal entity which is recognized by law as the subject of rights and duties. In the provisions of this article pertaining to a fine or penalty, the term includes the officers and directors of a corporation or other legal entity having officers and directors.

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Plastic Containers – Plastic bottles, jars, or containers labeled with the SPI Code numbers 1, 2, 3, 5, 6, and 7. Excludes plastic bags and film, chemical containers, and expanded polystyrene.

Recyclable Materials – Includes source-separated recyclable materials, materials listed in Section 1501 of Act 101, and materials identified by West Caln Township to be recycled in this article or specified from time to time by Township resolution. Recyclable materials include: aluminum cans, bi-metal containers, corrugated paper, ferrous containers, glass containers, high-grade office paper, leaf waste, magazines and periodicals, mixed paper, newspapers, paperboard/chipboard, and plastic containers.

Residential establishment – see “dwelling unit”

Township – The governmental jurisdiction and legal entity of West Caln Township, Chester County, Pennsylvania

Township-authorized collector – Any person collecting or transporting solid waste or recyclable materials for owners or occupants of residential property in West Caln Township, and any owners or occupants of commercial, institutional, industrial, and municipal establishments. Haulers must register with the Township and be duly authorized by the State of Pennsylvania.

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Appendix C  
Summary of Act 101 Requirements for Leaf Waste

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## Pennsylvania Act 101 Leaf Waste Collection Requirements

Act 101, Section 1501(c)(1)(ii) and (iii), requires persons in mandated municipalities to separate leaf waste from other municipal waste generated at residential, commercial, municipal and institutional establishments. “Leaf waste” is defined in the Act and its regulations as “Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.” Source separated leaf waste, as with other recyclable material, is to be collected at least once per month as set forth in Act 101 Section 1501(c)(2) and (3) and processed at Pa. DEP-approved composting facilities.

Act 101 mandated municipalities with programs that collect leaves only in the fall do not comply with the Act. Mandated municipalities desiring to establish leaf waste collection programs in compliance with Act 101 must, as a minimum:

1. Require by ordinance that leaf waste consisting of leaves, garden residues, shrubbery and tree trimmings, and other similar material are targeted for collection from residences and commercial, municipal and institutional establishments; and
  2. Establish a scheduled day, at least once per month, when leaf waste is collected from residences; or
  3. Establish a scheduled day, not less than twice per year and preferably in the spring and fall, when leaf waste is collected from residences, and facilitate a drop-off location or other collection alternative approved by Pa. DEP that allows persons in the municipality to deposit leaf waste for the purposes of composting or mulching at least once per month. The leaf waste drop-off location may be located in a neighboring municipality or at a private sector establishment provided that an agreement is in place to utilize that location and the municipality keeps residents and commercial, municipal and institutional establishments informed of the option at least once every six months.
  4. Ensure that commercial, institutional and municipal establishments generating leaf waste have collection service.
  5. Municipalities are encouraged to manage source separated Christmas trees as leaf waste for processing at Pa. DEP-approved composting facilities.
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Appendix D  
Draft Recycling Ordinance

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**Township of Caln**  
**DRAFT Solid Waste and Recycling Ordinance**

AN ORDINANCE TO ESTABLISH A SYSTEM FOR MUNICIPAL WASTE COLLECTION AND SOURCE SEPARATION AND COLLECTION OF RECYCLING MATERIAL IN ACCORDANCE WITH THE PROVISIONS OF ACT 101, THE PENNSYLVANIA MUNICIPAL WASTE PLANNING RECYCLING AND WASTE REDUCTION ACT OF 1988

WHEREAS, conservation of recyclable materials have become an important public concern because of the problems of solid waste disposal and its impact on our environment; and

WHEREAS, there is an increasing necessity to conserve our natural resources; and

WHEREAS, a comprehensive municipal solid waste collection system will benefit the public health, safety and general welfare of the residents of the Township of West Caln; and

WHEREAS, Pennsylvania Act 101 of 1988, The Municipal Waste Planning Recycling and Waste Reduction Act require the municipality to create regulation requiring the source separation and storage until collection of certain recyclable materials by residential, commercial, municipal, and institutional establishments, and from community activities; and

WHEREAS, Pennsylvania Act 101 if 1988, The Municipal Waste Planning, Recycling and Waste Reduction Act authorizes the municipality to adopt regulations for the transportation, storage and collection of municipal wastes that are not less stringent than or inconsistent with Pennsylvania Act 107 or Act 97, or Department of Environmental Protection regulations;

NOW THEREFOE BE IT ORDAINED AND IT IS HEREBY ORDAINED AND CREATED in the Township of West Caln, County of Chester, Commonwealth of Pennsylvania as follows:

**TITLE**

The short title of this ordinance shall be the Township of West Caln, Recycling and Municipal Waste Collection Ordinance and the same may be cited in that manner.

**DEFINITIONS**

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

Act 101 – The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning Recycling and Waste Reduction Act of 1988.

Aluminum cans - Shall mean empty all-aluminum beverage and food containers.

Approved Container – A watertight molded plastic or rust-resistant metal container designated for the placement of solid waste or source-separated recyclable materials. Containers may be supplied by residents or business owners or issued by waste collectors.

Bi-metal container - Shall mean empty food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

Bulk Waste – All waste materials too large for collection in ordinary approved containers, including furniture, appliances, and carpeting, excluding electronics, hazardous waste, and leaf waste.

Commercial establishment - An establishment engaged in non-manufacturing or non-processing businesses, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Community Activity - Events sponsored in whole or in part by the Township, or conducted within the Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

Composting - The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Corrugated paper - A structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Curbside recycling collection – The scheduled collection and transportation of recyclable materials placed at the curb or other area designated by the collector.

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

Ferrous containers - Empty steel or tin food or beverage containers.

Glass containers - Shall mean empty bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass, and porcelain and ceramic products.

High-grade office paper - Bond, copier, letterhead or mimeograph paper typically sold as “white ledger” paper; and computer paper.

Institutional establishment - An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Leaf waste—Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Magazines and Periodicals - Shall mean printed matter containing miscellaneous pieces published at fixed or varying intervals. Expressly excluded, however, are all other paper products of any nature whatsoever.

Mixed paper - Recyclable paper materials, excluding corrugated paper, magazines and periodicals, high-grade office paper, newspapers, and paperboard/chipboard, that includes junk mail, envelopes, index cards, receipts, and other designated recyclable paper.

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Multi-family establishment – A building or buildings under single or multiple ownership and designed as a residence for five or more families living independently of each other and doing their own cooking therein, including apartments townhomes, or condominiums.

Municipal establishment – Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the West Caln Township, any counties, cities, townships, and municipal authorities.

Municipal solid waste - 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 and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility, but excluding human body waste, construction and demolition debris, hazardous waste, leaf waste, and recyclable materials as defined herein.

Newspapers - Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are soiled newspapers.

Paperboard/chipboard – A heavier and thicker paper used for packaging food and other goods and/or products. Includes cereal boxes, beer and soda cases, frozen food boxes and packaging for goods such as toys, medicines, shoes, and other household products.

Person - An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency - including, but not limited to, the Department of General Services and the State Public School Buildings Authority - or another legal entity which is recognized by law as the subject of rights and duties. In the provisions of this article pertaining to a fine or penalty, the term includes the officers and directors of a corporation or other legal entity having officers and directors.

Plastic Containers – Plastic bottles, jars, or containers labeled with the SPI Code numbers 1, 2, 3, 5, 6, and 7. Excludes plastic bags and film, chemical containers, and expanded polystyrene.

Recyclable Materials – Includes source-separated recyclable materials, materials listed in Section 1501 of Act 101, and materials identified by West Caln Township to be recycled in this article or specified from time to time by Township resolution. Recyclable materials include: aluminum cans, bi-metal containers, corrugated paper, ferrous containers, glass containers, high-grade office paper, leaf waste, magazines and periodicals, mixed paper, newspapers, paperboard/chipboard, and plastic containers.

Residential establishment – see “dwelling unit”

Source separation – The separation of recyclable materials from municipal waste at the point of generation for recycling purposes.

Township – The governmental jurisdiction and legal entity of West Caln Township, Chester County, Pennsylvania.

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Township-authorized collector – Any person collecting or transporting municipal solid waste or recyclable materials for owners or occupants of residential, multi-family, commercial, institutional, industrial, and municipal establishments in West Caln Township. Collectors must be duly authorized by the Township of West Caln and by the State of Pennsylvania.

#### AUTHORITY TO ESTABLISH REGULATIONS

- A. The Township Council shall have the authority to adopt, modify, and amend recycling regulations from time to time by resolution, including, without limitation, regulations regarding what materials must be separated for recycling, preparation of recyclable materials, and/or the placement or collection methods for recyclable materials.
- B. Regulations adopted by the Township Council shall be published in a newspaper of general circulation in the Township and posted on the Township’s website.
- C. Violations of any such regulations shall be deemed a violation of this article and subject to the same penalties hereunder.

#### ESTABLISHMENT OF RECYCLING PROGRAM

There is hereby established a program for the mandatory separation of recyclable materials from municipal waste by all persons within the Township of West Caln, hereinafter referred to as the “Township”

#### REQUIREMENT FOR MUNICIPAL SOLID WASTE AND RECYCLING COLLECTION SERVICE

All residents of the Township must contract for municipal solid waste and recyclable material collection service by a collector operating in the Township. Residents may self-haul their municipal solid waste and recyclable materials in their own vehicles to a state-authorized disposal or recycling facility and in lieu of contracting for waste and recycling collection service. Residents that self-haul waste and recyclable materials must retain receipts and/or weigh tickets that document the quantity of municipal solid waste and recyclable materials disposed and provide them to the Township upon request.

#### ALTERNATIVE COLLECTION OF RECYCLABLE MATERIALS:

Persons in the Township may donate or sell recyclable materials to individuals or organizations. These materials must be delivered directly to the individual's or organization's location.

#### TOWNSHIP REGISTRATION OF COLLECTORS

- A. Collector registration required - It shall be unlawful for any person to collect, remove and/or transport municipal solid waste or recyclable materials within West Caln Township without first registering with the Board of Supervisors of West Caln Township and be duly authorized by the Commonwealth of Pennsylvania. Exceptions are made for persons who directly deliver (self-haul) their municipal waste and/or recyclable materials.

- B. Township-authorized collector registration and approval requirements - All persons wishing to collect, remove and/or transport municipal waste and/or recyclable materials within the Township must register and receive approval from the Board of Supervisors to begin collection. Said township-authorized collector may collect, remove or transport municipal waste and/or recyclable materials within the Township for a period of one year from the date of registration approval, only so long as the township-authorized collector is in full compliance with the requirements of this article, and any regulations enacted pursuant thereto. Township-authorized collectors must renew their registration with the Township no later than January 31 of each calendar year. Any township-authorized collector whose registration is received and approved by the Township's Board of Supervisors shall have the privilege of collecting, removing and transporting municipal waste and/or recyclable materials picked up within the boundaries of West Caln Township. Township registrations and approvals shall not be transferable.
- C. At the time of registration, the collector shall provide the following information on a form prepared by the Township:
- a. The name of the collector, name of a contact person, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township who are serviced by the collector.
  - b. The make, model, year, and Pennsylvania State registration number (if applicable) of each truck or vehicle used in West Caln Township to collect, remove, and/or transport municipal solid waste or recyclable materials.
  - c. A certificate of the collector's workmen's compensation insurance, as required by law.
  - d. A certificate of insurance coverage covering complete third-party public liability for both bodily injury and property damage, owner's and hauler'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 West Caln 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 West Caln Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
  - e. Current rate schedule and the intended areas of operation in the Township, by streets, the terms of service and the scheduled days of collection in different areas of the Township.
  - f. The state-permitted disposal site where municipal solid waste will be taken for disposal.
  - g. The processing and/or marketing facilities where the recyclable materials will be taken.
  - h. Documentation that the collector complies with the Chester County Waste Management Plan and Waste Flow Control Ordinance.
  - i. Municipal solid waste, recyclable material, and leaf waste collection tonnage reports from residential establishments from the previous calendar year if the collector is renewing their registration and collected municipal solid waste and recyclable materials in the Township.
  - j. Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.
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- D. Refusal to grant registration approval; suspension; revocation - The Board of Supervisors of West Caln Township shall have the right to refuse to approve a registration to any person or to revoke or suspend previously approved registration or refuse to renew the same if said township-authorized collector or its agents, servants or employees fail to comply with any provision of this article or any regulation adopted hereunder, Municipal Waste Act, Chester County Waste Management Plan, Waste Flow Control Ordinance, or any other applicable federal, state, or local regulations.

SEPARATION, PREPARATION, PLACEMENT AND COLLECTION OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

Residential establishments

- A. Except as otherwise provided herein, all persons owning or occupying residential establishments shall separate all recyclable materials generated in their residential establishment from municipal solid waste. Municipal solid waste and recyclable materials shall be placed in separate approved containers and the containers placed curbside or in another designated location for collection by a township-authorized collector.
  - B. Separate collection of municipal solid waste and recyclable materials shall be arranged by the owner or occupants of each residential establishment and shall occur no less than two times per month.
  - C. Requirements for collection.
    - a. All municipal solid waste must be placed in an approved container.
    - b. All recyclable materials as designated in this article must be placed in an approved container separate from municipal solid waste.
    - c. Municipal solid waste and recyclable materials must be prepared to prevent the materials from being blown about or littered on Township streets or on private property. This may include placement of municipal solid waste and recyclable materials in containers with latching lids or in bags that have been tied shut as directed by a township-authorized collector.
    - d. No persons shall place recyclable materials in approved containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in approved containers designated for the collection of recyclable materials.
    - e. Approved containers shall be placed at the curbside or another location as designated by the Township or township-authorized collector for collection. Under no circumstances shall approved containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
    - f. No approved container shall be placed at the curb or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection.
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- g. Recyclable materials must be clean and dry and prepared according to the requirements of the Township or township-authorized collector.

#### Multi-family establishments

- A. Owners, landlords, or agents of owners or landlords of multi-family establishments must establish a system for the collection, transportation, and disposal of municipal solid waste generated at each building.
- B. Owners, landlords, or agents of owners or landlords of multi-family establishments must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article at each building. The system must include an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. It must also include written instructions to the tenants or occupants of multi-family establishments to inform them of the requirement to recycle and the use and availability of the collection program.
- C. Owners, landlords, or agents of owners or landlords of multi-family establishments must contract with a township-authorized collector for the collection of municipal solid waste and recyclable materials.
- D. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in containers designated for the collection of recyclable materials.
- E. Municipal solid waste and recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family establishment and the township-authorized collector. Municipal solid waste collection frequency must occur at least weekly and recyclable material collection frequency must occur at least bi-weekly. More frequent collection of municipal solid waste and recyclable materials may be necessary to prevent approved containers from being overfilled to cause materials to be blown about or littered on Township streets and private property.
- F. The owner, landlord, or agent of an owner or landlord of multi-family establishments must provide a written report to the Township that lists the township-authorized collector collecting municipal solid waste and recyclable materials from the property, the total quantity of municipal solid waste and the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than January 31 that provides the requested information from the previous calendar year.
- G. Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of tenants or occupants of their buildings

#### Commercial, institutional, industrial, and municipal establishments

- A. Owners, landlords, or agents of owners or landlords of commercial, institutional, industrial, and municipal establishments must establish a system for the collection, transportation, and disposal of municipal solid waste generated at the property.
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- B. Owners, landlords, or agents of owners or landlords of commercial, institutional, industrial, and municipal establishments must establish a system for source separation, collection, transportation, and recycling of aluminum cans, corrugated paper, and high-grade office paper. The system must include an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. It must also include written instructions to the tenants or occupants of commercial, institutional, industrial, and municipal establishments to inform them of the requirement to recycle and the use and availability of the collection program.
- C. Owners, landlords, or agents of owners or landlords of commercial, institutional, industrial, and municipal establishments must contract with a township-authorized collector for the collection of municipal solid waste and recyclable materials.
- D. No persons shall place aluminum cans, corrugated paper, and high-grade office paper in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in containers designated for the collection of aluminum cans, corrugated paper, and high-grade office paper.
- E. Collection frequency of Municipal solid waste and separate collection of aluminum cans, corrugated paper, and high-grade office paper shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, industrial, and municipal establishment and the township-authorized collector. Municipal solid waste collection frequency must occur at least weekly and collection frequency of aluminum cans, corrugated paper, and high-grade office paper must occur at least bi-weekly. More frequent collection of municipal solid waste and aluminum cans, corrugated paper, and high-grade office paper may be necessary to prevent approved containers from being overfilled to cause materials to be blown about or littered on Township streets and private property.
- F. The owner, landlord, or agent of an owner or landlord of commercial, institutional, industrial, and municipal establishments must provide a written report to the Township that lists the contracted township-authorized collector collecting municipal solid waste and recyclable materials from the property, the total quantity of municipal solid waste and the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than January 31 that provides the requested information from the previous calendar year.

#### Community activities

- A. The organizers or sponsors of community activities must establish a system for the collection, transportation, and disposal of municipal solid waste.
  - B. The organizers or sponsors of community activities must establish a system for source separation, collection, transportation, and recycling of aluminum cans, corrugated paper, glass containers, and plastic containers. Arrangements for the source-separation and collection of these materials shall be the responsibility of the organizers or sponsors.
  - C. Organizers or sponsors of community activities must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the
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amount of recyclable materials generated. Organizers and sponsors must provide signage and/or labels to indicate what recyclable materials are to be source-separated.

- D. Organizers or sponsors must contract with a township-authorized collector for the collection of recyclable materials and municipal solid waste.
- E. Organizers or sponsors of a community activity must provide a written report to the Township that lists the township-authorized collector collecting recyclable materials and municipal solid waste from community activities, the total quantity of each recyclable material collected as well as the amount of municipal solid waste collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than January 31 providing the requested information from the previous calendar year.

#### LEAF WASTE:

- A. It is prohibited and will be deemed a violation hereof for any person in the Township to put or cause to put leaf waste with municipal solid waste. Leaf waste shall be separated from municipal solid waste generated on any property and stored in approved containers until collection.
- B. Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
- C. All persons in the Township shall arrange to have leaf waste collected by a township-authorized collector separate from municipal solid waste and recyclable materials at a frequency of no less than once per month. Township-authorized collectors may not comingle leaf waste with municipal solid waste or recyclable materials.

#### BULK WASTE

- A. Owners or occupants of residential establishments may place bulk waste at the curb or similar location with other municipal solid waste and recyclable materials on the dates designated by the Township for bulk waste collection. Bulk waste may not be placed at the curb or in the front yard of any lot prior to 6:00 P.M. the day preceding the scheduled collection date.
- B. Owners or occupants of residential establishments are permitted to place one bulk item curbside or similar location on each day designated for bulk waste collection. Bulk waste must be disassembled or taken apart prior to placement on the curb or similar location to facilitate collection by the Township or township-authorized collector. When bulk items are disassembled, the pieces must be tied into bundles in a manner designated to prevent scattering. Bundles shall be of a size and construction as to permit ease of handling by one man and shall not exceed fifty (50) pounds in weight.

#### UNLAWFUL ACTIVITIES

It shall be unlawful and a violation of this article for any person in the Township carry out the following activities.

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1. Collection by unauthorized persons - From the time of recyclable materials placement at the curb or other designated location, it shall be a violation of this article for any person unauthorized by the Township, to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
2. Burning of recyclable materials - The burning of municipal solid waste, recyclable materials, and leaf waste shall be prohibited at all times in the Township. This shall include construction and demolition debris as defined in Chapter 1, Article III of the Township Code municipal waste as defined by Act 101 of 1998, and recyclables that include leaf waste.
3. Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit municipal solid waste, recyclable materials, leaf waste, or any other refuse on any private or public property or grounds in the Township.
4. Overfilling containers – Containers of municipal solid waste, recyclable materials, leaf waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
5. Storing/stockpiling materials – All persons in the Township are prohibited from storing, processing, or disposing of municipal solid waste or recyclable material on a property except at a facility or in preparation for the collection by the Township or a township-authorized collector as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
6. Prevention of duties – It is unlawful for any person in the Township to hinder, prevent, or obstruct the Township or township-authorized collectors from carrying out their duties as outlined in this article or in its enforcement.

#### TOWNSHIP-AUTHORIZED COLLECTOR PROHIBITIONS

It shall be unlawful and a violation of this article for any township-authorized collector operating in the Township to:

1. Collect or transport municipal solid waste, recyclable materials, or leaf waste from any person failing to source-separate recyclable materials as required herein.
  2. Commingle source-separated recyclable materials or leaf waste with municipal solid waste.
  3. Fail to provide for the proper management of municipal solid waste, recyclable materials, and leaf waste collected or transported in the Township.
  4. Collect or transport municipal solid waste, recyclable materials, or leaf waste in a manner that causes or allows said materials to fall upon Township streets or roads or on private property.
  5. Fail to place approved containers in their designated locations off public roadways and sidewalks after collection of municipal solid waste, recyclable materials, and leaf waste.
  6. Not comply with the annual reporting requirements as required in this article by the Township.
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### ENFORCEMENT AND ADMINISTRATION

Code enforcement officers, police officers, and others designated by the Township are hereby individually and severally empowered to enforce the provisions of this article. Enforcement may include inspecting approved containers for municipal solid waste to detect the presence of recyclable materials and leaf waste and inspecting approved containers of recyclable materials to detect the presence of municipal solid waste. The Township may change, modify, repeal or amend any portion of said rules and regulations of this article at any time.

### VIOLATION AND PENALTY

- A. Prosecution under this ordinance shall be instituted by any Township official and shall be filed in the name of the Township of West Caln, Chester County, Commonwealth of Pennsylvania.
- B. Enforcement shall be by an action before a District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 454 (relating to trial in summary cases).
- C. Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this ordinance or any regulation thereof, shall be punishable by a fine not to exceed ten (\$10.00) dollars, upon a first conviction; twenty-five (\$25.00) upon a second conviction; and fifty (\$50.00) dollars on a third or subsequent conviction. The above fines shall not be applicable to a conviction for violating Number 1, Unlawful Activities, collection by unauthorized persons, hereof which shall be punishable by a fine not to exceed Five Hundred (\$500.00) dollars.

### CONTRACTING COLLECTION SERVICES

The Township or its designated agent may enter into an agreement(s) at any time with township-authorized collector(s) to permit them to exclusively collect all or part of the municipal solid waste, recyclable materials, and leaf waste from curbside or similar location generated within the Township.

### AUTOMATIC REPEALER

All ordinances or parts of ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

### SEVERABILITY

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

### EFFECTIVE DATE

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This ordinance shall take effect upon establishment of schedules and regulations as required herein or after the entry into agreements with township-authorized collectors to collect municipal solid waste, recyclable materials, and leaf waste.

BOARD OF SUPERVISORS  
TOWNSHIP OF WEST CALN

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