Chapter 190. Solid Waste

Part 1. Recycling

Article I. Recycling

§ 190-1. Title.

The short title of this Part 1 shall be the "City of Coatesville Recycling Ordinance," and the same may be cited in that manner.

§ 190-2. Definitions.

[Amended 7-26-1993 by Ord. No. 931-93]
As used in this Part 1, the following terms shall have the meanings indicated:

ALUMINUM CANS
Empty beverage cans constructed solely of aluminum, not tin, metal or steel.

BULKY WASTE
Items of solid waste which, due to their size, shape or weight, cannot be collected as a part of the normal weekly municipal waste collection and, therefore, require special handling. For example, large household appliances, such as stoves and refrigerators, plumbing fixtures, furniture, large crates, tires, tools, machinery or parts thereof, and similar items in size shall be considered "bulky waste."

CARTWAY
That street or alley within which vehicles are permitted, including travel lanes, but not including shoulders, curbs, gutters, sidewalks or drainage swales.
[Added 9-9-1996 by Ord. No. 1033-96]

CITY
The governmental jurisdiction and legal entity of the City of Coatesville, Chester County, Pennsylvania.

COMMERCIAL ESTABLISHMENT
Any establishment engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters and multifamily rental housing properties with four or more units.

CONSTRUCTION AND DEMOLITION WASTE
Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster and brick, conduit, pipe, insulation and other material which results from a construction, demolition or remodeling process.

CORRUGATED PAPER

https://www.ecode360.com/print/CO0344?guid=9634370&children=true
Paper or pasteboard contracted into parallel grooves and ridges, commonly referred to as "cardboard," which is used for wrapping, packing, shipping and/or storage.

CURBSIDE RECYCLING COLLECTION
The scheduled collection and transport of recyclable materials placed at the curbside or other similar location by residential establishments or approved small businesses.

DWELLING UNIT
One or more rooms in a residence or dwelling, which room or rooms have fixed cooking facilities arranged for occupancy by one, two or more persons living together.

GLASS BOTTLE OR JAR
All clean bottles and jars made of clear, green or brown glass, not including noncontainer glass, plate glass, blue glass and porcelain and ceramic products, light bulbs and fluorescent tubes.

HABITABLE
Any building or structure that can be occupied or lived in.
[Added 2-12-2001 by Ord. No. 1155-2001]

HIGH-GRADE OFFICE PAPER
Printed or unprinted sheets, shavings and cuttings of sulfite or sulfate ledger, bond, writing and other papers which have similar fiber and filler content. This grade must be free of treated, coated, padded or heavily printed stock. This definition includes lightweight office papers, i.e., letterhead or mimeograph paper typically sold as white ledger paper, bond, Xerox paper and onionskin, as well as computer paper.

INDUSTRIAL ESTABLISHMENTS
Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INHABITABLE
Any building or structure that cannot be occupied or lived in.
[Added 2-12-2001 by Ord. No. 1155-2001]

INSTITUTIONAL ESTABLISHMENT
Those facilities that house or serve groups of people, including but not limited to hospitals, nursing homes, child day-care centers, libraries, nonprofit associations, schools and universities. This definition shall not include standard residential units.

LEAF WASTE
Leaves, garden residues, shrubbery and tree trimmings and similar material but not including grass clippings.

MULTIFAMILY DWELLING
A building used or designed as a residence for four or more families living independently of each other and doing their own cooking therein, including apartment houses, group quarters, townhouses and condominium complexes.

MUNICIPAL ESTABLISHMENT
Public facilities operated by the City of Coatesville and other governmental authorities.

MUNICIPAL WASTE
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 and from community activities; and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air-pollution control facility. The term does not include source-separated recyclable materials.
NEWSPAPER
Paper of the type commonly referred to as "newspaper" and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements as matters of public interest, but not including glossy advertising inserts typically inserted with newspapers nor magazines or periodicals.

PERSON(S)
Any individual, corporation, partnership, joint venture, association, joint-stock company, trust and incorporated organization or any government or public agency or political subdivision thereof or any authority or agency thereof. In any provision of this Part 1 prescribing a fine, imprisonment, penalty or remedy 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.

PLASTICS
Empty and clean consumer product containers made of polyethylene terephthalate (PET), polypropylene (PP), high-density polyethylene (HDPE) and low-density polyethylene (LDPE), most commonly but not limited to plastic bottles used as containers for soda, milk and other consumer food products or for household cleaning products or for personal care products.

RECYCLABLE/RECYCLABLE MATERIALS
Those materials specified by the City of Coatesville for separation, collection, processing, recovery or reuse as part of a recycling program.

RECYCLING
The separation, collection, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which could otherwise be disposed of or processed as solid waste or the mechanized separation and treatment of solid waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the generation of energy.

REGISTERED COLLECTOR OR HAULER
A person (as defined in this Part 1) who is in possession of all pertinent permits and registrations which may be required by the City of Coatesville for the collection, transportation, storage or disposal of recyclables within the City.
[Amended 6-23-20014 by Ord. No. 1433-2014]

RESIDENTIAL ESTABLISHMENT
Any occupied dwelling unit, except multifamily rental housing properties with four or more units.

RIGHT-OF-WAY
That strip of land consisting of at least three feet from either side of the cartway (and including the sidewalk in its entirety) for public or private use, or other certain public or quasi-public purpose.

SOLID WASTE
All materials or substances that are generally discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including garbage, refuse, industrial and commercial waste, sludges from air- or water-pollution control facilities or water supply treatment facilities, rubbish, contained gaseous materials, incinerator residue, demolition and construction debris and offal.

SOURCE-SEPARATED RECYCLABLE MATERIALS
Recyclable materials that are separated from solid waste at the point of origin for the purpose of recycling.

STEEL CANS
Empty, all-steel (ferrous material) or bimetal beverage and food containers.

UNINHABITABLE
Any building or structure that has been declared by the Codes Department as dilapidated or under order of demolition.
[Added 2-12-2001 by Ord. No. 1155-2001]

[1] Editor's Note: See 35 P.S. § 6018.101 et seq.

§ 190-3. Program established.

The City of Coatesville hereby establishes and implements a mandatory source-separation and collection program for recyclable materials by persons located in the City of Coatesville in accordance with Section 1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act.[1]

[1] Editor's Note: See 53 P.S. § 4000.1501.

§ 190-4. Separation requirements.

A. Residential (single-family and multifamily units up to four dwelling units).

1. Owners and residents of residential establishments are hereby required to separate all recyclable materials as specified by regulation from other municipal waste generated at their homes, apartments and other residential establishments and to store such material until collection.

2. Recyclable materials from residential establishments shall be placed at the curb or other similar area, separate from solid waste, for collection, at such times and dates as may be established by regulation. Such regulations shall schedule a minimum of one day per month for pickup of recyclables from residential establishments. Nothing in this Part 1 or regulations promulgated hereunder shall be deemed to impair the ownership of the separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection by the municipality, its agents or authorized collector.

3. The appropriate City authorities are hereby authorized to designate, by regulation, the days and times for the collection of recyclable newspaper, recyclable aluminum beverage cans and recyclable glass.

B. Multifamily residential units with four or more dwelling units.

1. The owner, landlord or agent of an owner or landlord of multifamily housing properties with four or more units may comply with the responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable 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, landlords and agents of owners or landlords who comply with this Part 1 shall not be liable for noncompliance of occupants of their buildings.

2. Multi-unit residential properties (buildings with four or more living units) not included in the City's collection program shall be required to separate for collection and recycling the following three materials: newspaper, glass bottles and jars (clear, green and brown) and aluminum cans.

3. A verification form shall be sent by the City to each owner, landlord or agent prior to the start of the implementation of this recycling program as mandated by this Part 1.

4. The City's Recycling Coordinator shall have the authority to verify the appropriateness of each recycling plan for each multi-unit residential building. The verification forms must be returned to the City annually prior to October 1.
[Amended 3-25-1996 by Ord. No. 1012-96]
C. Commercial, institutional, industrial and municipal establishments.

(1) Commercial, institutional, industrial and municipal establishments are hereby required to separate all recyclable materials as specified by regulation and to store such material until collection. The times, dates and places for collection shall be established by regulations. Such regulations shall schedule a minimum of one day per month for pickup of recyclables from commercial, institutional, industrial and municipal establishments. All commercial, industrial, municipal and institutional establishments shall be required to separate for collection and recycling high-grade office paper, corrugated paper and aluminum cans.

(2) The City's Recycling Coordinator shall have the authority to verify the appropriateness of each recycling plan for each commercial, institutional, industrial and municipal establishment. In addition, anyone who has a food and beverage license must follow the same rules as a commercial or institutional establishment and must also recycle glass bottles and jars (clear, green and brown).

(3) Verification forms must to returned to the City's Recycling Coordinator annually prior to October 1.
[Amended 3-25-1996 by Ord. No. 1012-96]

§ 190-5. Leaf waste.

All persons who reside in residential establishments and all persons who are responsible for the operation of commercial, institutional, industrial and municipal establishments where leaf waste occurs or is generated shall source separate all leaves and place them for collection at the times and in the manner prescribed by regulation unless those persons have otherwise provided for the composting of leaf waste. The owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units, commercial, institutional, industrial and municipal establishments may comply with their responsibilities under this section by establishing a collection system for leaf waste at each property.

§ 190-6. Unauthorized collection.

It shall be a violation of the terms of this Part 1 for any person, other than authorized personnel of the City or the authorized collector of the recyclables by the City, to collect, pick up or cause to be collected or picked up any such materials. Each such collection or pickup in violation hereof shall constitute a separate and distinct offense.

§ 190-7. Donation to authorized organization.

Any person may donate or sell recyclable materials to individuals or organizations authorized by the City in its recycling regulations. These materials must either be delivered to the individual's or organization's site, or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days by the City. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled curbside collection day.

§ 190-8. Enforcement.

A. Authority.
[Amended 8-22-2011 by Ord. No. 1358-2011]
(1) The City of Coatesville, its administration and/or its Recycling Coordinator is authorized and directed to enforce this Part 1. Enforcement authority is hereby further conferred to the SWEEP (Solid Waste Education Enforcement Program) Officer, as appointed by the Director of Public Works. In addition, this authority for enforcement conferred to the SWEEP Officer extends not only to Part 1, Article I, of Chapter 190, governing recycling, but also to Part 2, Articles II, III, IV, V and VA,[1] and Part 3, Article VI, such that any reference to authority conferred for enforcement under Chapter 190 and referencing the "Code Enforcement Officer" (or other authorized enforcing party, however designated) shall be interpreted to include as well the SWEEP Officer, who shall have the same authority for enforcement.

[1] Editor's Note: Article VA was repealed 6-23-2014 by Ord. No. 1433-2014.

(2) The same are hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this Part 1. The City may change, modify, repeal or amend any portion of said rules and regulations at any time.

B. Persons occupying commercial (including multifamily rental housing properties with four or more units), institutional, industrial and municipal establishments, within the City boundaries, and otherwise providing for the recycling of materials are required by this Part 1 to recycle and must provide or have their authorized collector provide written documentation semiannually to the City of the total number of tons recycled or estimated to be recycled, as well as the name of any authorized collector collecting their recyclables.

§ 190-9. Registration of collectors.


A. Registration requirements.

(1) Beginning September 1, 1993, no person other than a registered hauler shall collect or transport recyclables, as defined in this Part 1, generated, whether anywhere or from any user in the City.

(2) It shall be unlawful for any person to haul, transport, collect or remove any recyclables from any public or private property within the City without first registering to do so in accordance with the provisions of this Part 1.

(3) Every person desiring to engage in, to continue to engage in or hereafter to begin to engage in the business of collecting, removing or transporting recyclables from any property within the City shall first register with the City. Such registration shall be for a period of one year beginning September 1 of the year in which the registration occurs. All persons shall register by September 30 of each year. All registrations shall be issued for the year period (September 1 to August 31) or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for registration issued after the beginning of any one-year period.

(4) Standards for collection vehicle. The collection equipment and transportation vehicles used for the collection of municipal recyclables shall be of the closed-body type with an automatic compactor unit. Said vehicles shall be in good condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other type of vehicles may be used only for the collection of recyclable materials, bulk solid waste and collecting and transporting dumpsters, provided that such items are separately collected in accordance with other provisions of this Part 1 and the regulations adopted hereunder. The municipal solid waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or the creation of...
other nuisances. All collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

(5) Private haulers’ insurance requirements.

(a) No person shall be entitled to register with the City as a collector and no registration shall issue to any person desiring to collect or transport recyclables generated in the City unless such person or collector can show certificates of insurance as set forth below:

[1] Workers’ compensation insurance as required by statute in such amounts as required by state law.

[2] Comprehensive general liability insurance at a minimum limit of $1,000,000 per occurrence and $1,000,000 in the aggregate annually for both bodily injury and property damage coverage.

[3] Comprehensive automobile liability insurance with limits of liability not less than $1,000,000 per occurrence. In instances where more than one vehicle will be utilized by the person in the City of Coatesville to collect or transport recyclables, then the person shall satisfy the City that comprehensive automobile liability insurance coverage is in effect for all vehicles to be used within the City for the collection and transportation of recyclables within the City.

[4] Owner’s and contractor’s protective insurance in amounts consistent with the minimum coverages required in Subsection A(5)(a)[2] above.

(b) The minimum insurance coverages shall be in such amounts that the Council may establish from time to time. Each and every policy of insurance required in this subsection shall carry with it an endorsement to the effect that the insurance carrier will convey to the City, by certified mail, written notice of any modifications, material alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed at least 10 days prior to the date of any such modification, material alteration or cancellation.

(6) Application requirements.

(a) Every person who shall apply for registration under this section shall, in applying therefor, state the type or types of refuse or recyclable material that will be collected, the manner and place of disposal for all such refuse and the location of the recycling center for all collected materials under such registration. Said applicant shall describe the type or types of vehicles to be used for collection, listing the make, model, year and license plate number; include a certificate of insurance as aforementioned; and state the name of the company, address, telephone number and the contact person responsible for compliance with this Part 1. No such registration shall be granted if the vehicle and/or manner and place of disposal of such refuse and/or recycling center shall not conform in every respect to the requirements of this Part 1.

(b) Authorized collectors shall not be required to collect refuse from any residence where it is obvious that recyclable materials have not been separated pursuant to the provisions of this Part 1 and the regulations adopted hereunder.

(7) Nothing contained in this Part 1 shall prevent the City of Coatesville from terminating or revoking any or all registrations granted hereunder for failure of the registrant to comply with Act 101,[1] the terms and conditions of this Part 1, rules and regulations promulgated by the City Council pursuant to this Part 1 or administrative requirements established by the City administration and staff hereunder or for failure to comply with any other City ordinance or regulation.

[1] Editor’s Note: See 53 P.S. § 4000.101 et seq.
(8) Registration will be done by the City for each vehicle of the person who owns or leases the vehicle only after the person has satisfied the conditions outlined in this Part 1. There shall be no fee for the City's registration program for registered haulers.

(9) Registrations will be renewed annually, provided that the registrant has maintained that registration in good standing. All registrations will be made or renewed on a calendar-year basis. There will be no reduction in the fee for a registration made after the beginning of the year.

(10) Registration cannot be transferred from one vehicle to another.

(11) Registrations issued by the City must be firmly attached and prominently displayed on each side of the vehicle so as to be clearly visible.

(12) The registrant shall comply with the following inspection, recordkeeping and reporting requirements:

(a) It shall be a condition of being registered with the City of Coatesville that each registrant:

[1] Report quarterly to the City no later than December 15 and thereafter on a quarterly basis by the 15th of each month which follows the end of a quarterly reporting period (the first quarterly period commencing September 1) the gross tonnage of municipal recyclables collected in the City and disposal sites utilized;

[2] Maintain an accurate logbook of vehicles, including the location of container, collection routes and disposal or processing facilities utilized, which shall be open to inspection by the City's enforcement personnel; and

[3] Open all facilities and vehicles to inspection by the City's enforcement personnel during reasonable hours but not necessarily on prior notice.

B. Penalties and enforcement.

(1) Summary violations.

(a) Any person who violates any provision of this Part 1 or who engages in unlawful conduct as defined in this Part 1 shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than $600 to be paid to the use of the City, with costs of prosecution, or to be imprisoned for a period of not more than 90 days, or both.

[Amended 3-25-1996 by Ord. No. 1012-96]

(b) Each violation for each separate day and each violation of any provision of this Part 1 or unlawful conduct as defined in this Part 1 shall constitute a separate offense.

(c) Any person who engages in unlawful conduct, as defined in this Part 1, shall, in accordance with applicable provisions of the laws of the commonwealth, be subject to the provisions of Act 101, Chapter 17,[2] as such provisions with respect to enforcement and remedies may apply to such unlawful conduct.

[2] Editor's Note: See 53 P.S. § 4000.1701 et seq.

(d) This Part 1 and any rules and regulations adopted pursuant hereto shall be enforceable by an action or actions at law or equity.

(2) Administrative penalties.

(a) If a registrant violates this Part 1, the City shall have the right to:

[1] Suspend or revoke the registration of the violating vehicle, suspend or revoke all registrations issued to the person who is the registrant of the violating vehicle or
impose a civil penalty in accordance with the provisions of Act 101[3] and require the registrant to pay the cost of the proceeding.  

[3] Editor's Note: See 53 P.S. § 4000.101 et seq.

[2] Deny any subsequent registration application by that person or any person who or which was or who or which is affiliated with, related to or controlled by any person who was, at the time of commitment of such unlawful conduct or any time thereafter, an officer, director, shareholder, partner or joint venturer of, under contact with, employed by or related or affiliated in any manner with such person.

(b) In the event that any civil penalty imposed under this Part 1 is unpaid after 10 days following the full and final disposition of the penalty proceedings, the City shall suspend the registrant's operating privileges within the City until the civil penalty is paid.

(c) Each violation for each separate day and each violation of any provision of this Part 1 or unlawful conduct as defined in this Part 1 shall constitute a separate offense.

(3) Notice and hearing procedure.

(a) Prior to such action taken under Subsection B, the City will give the registrant written notice of the violation setting forth the reasons for the proposed action. The registrant will have 15 days to respond in writing to the notice. If no response is received, the penalty, registration suspension or revocation will take effect. If a response is received, the City will provide the right to a hearing as described in this section. If no response is received, an appropriate administrative determination will be imposed.

(b) Any person who has been aggrieved by an administrative determination of the City under this Part 1 may file a written request for review by the City Council by certified mail within 15 days of the date of such determination. The hearing shall be held promptly after receipt of the request but no event later than 30 working days of the receipt of the request, in accordance with the procedure set forth in this section.

[1] Any person who has filed a request for review shall be given notice, in writing, of the time and place of hearing. Such notice shall be first-class United States mail, postage prepaid, directed to the address set forth in the request for review and shall be mailed not less than 10 days prior to the date of hearing.

[2] The person requesting the hearing may appear personally or by counsel. The person filing the request for the hearing shall have the burden of proof to establish the basis for review. Upon the request of the person requesting the hearing, City Council shall issue a subpoena requiring the testimony of witnesses and the production of books, records or other documents relative to the material involved in such hearing.

[3] All testimony at the hearing shall be given under oath.

[4] The hearing officer shall render a decision within 15 working days of the hearing by certified mail, return receipt requested, forwarded to the person at the address shown in the City's records.

C. Concurrent remedies. The penalties and remedies prescribed by this section shall be deemed concurrent, and the exercise or existence of any remedy shall not prevent the City from exercising any other remedy hereunder, at law or in equity.

D. Reservation of rights. Nothing in this section shall be construed as preventing the City from exercising its rights and duties as defined pursuant to this Part 1, Act 101 and Act 97[4] and further from proceeding in courts of law and/or equity to enforce said rights as so define, without first pursuing the action provided for in Subsection B hereof.

[4] Editor's Note: See 53 P.S. § 4000.101 et seq. and 35 P.S. § 6018.101 et seq., respectively.
E. Revisions.

(1) This section may be amended from time to time.

(2) The disposal of municipal recyclables generated within the City of Coatesville shall be subject to such further rules, regulations, resolutions and standards as may, from time to time, be promulgated, adopted and enacted by the City pursuant to this Part 1 in furtherance of implementation and enforcement of the Plan, including, but without limitation, regulations as to the form of registration application, standards for the approval of any such registration, the amount agreed to be charged for said registration, the terms of the registration, registration issuance procedure and registration revocation procedures; provided, however, that no such rules, regulations, resolutions or standards adopted by the City shall be contrary to or less stringent than the provisions of this Part 1, the Plan, Act 97, Act 101 or any regulations adopted thereunder.

F. Construction. The terms and provisions of this section are to be liberally construed so as best to achieve and effectuate the goals and purpose hereof.

§ 190-10. Violations and penalties.

[Amended 7-26-1993 by Ord. No. 931-93; 3-25-1996 by Ord. No. 1012-96]

A. Any person, partnership or corporation who violates or fails to comply with any provision of this Part 1 or any regulation promulgated pursuant thereto shall, upon conviction thereof in a court of summary jurisdiction, be punishable by fines of not more than $600 or be imprisoned for a period not exceeding 90 days, or both such fine and imprisonment.

B. Alternative citation process.

[Added 10-28-2013 by Ord. No. 1418-2013]

(1) Any person violating the provisions of Chapter 190 shall, at the discretion of the City, be subject to a fine of $25 to be paid within 10 days.

(2) Any person violating the provisions of Chapter 190 shall, at the discretion of the City, be subject to a fine of $50 to be paid after 10 days but within 20 days.

(3) Any violation of the provisions of Chapter 190 shall, at the discretion of the City, be subject to a fine of $75 to be paid after 20 days, but before citation.

(4) Failure to respond by the payment of the fines as aforesaid shall, after 28 days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.

§ 190-11. Franchisees or registrants.

[Amended 6-23-20014 by Ord. No. 1433-2014]

The City of Coatesville may enter into an agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.