

ORDINANCE NO. 05 – 2025

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 62, TITLED “GARBAGE, RUBBISH AND REFUSE,” TO AMEND SECTION 62-1 TO ADD DEFINITIONS OF “DWELLING UNIT” AND “TOTE”; SECTION 62-3 TO AMEND CERTAIN DISPOSAL REGULATIONS THAT APPLY TO PUBLIC AND PRIVATE COLLECTION; SECTION 62-4 TO AMEND CERTAIN PUBLIC COLLECTION REGULATIONS; SECTION 62-8 TO AMEND CERTAIN PRIVATE COLLECTION REGULATIONS; SECTION 62-9 TO REFERENCE TOTES, TRASH CANS AND DUMPSTERS; SECTION 62-11 TO REVISE THE REGULATIONS FOR DUMPSTERS AND SECTION 62-12 TO REQUIRE CONTAINERS USED FOR RECYCLING TO BE STORED IN THE SAME LOCATIONS AS TOTES AND DUMPSTERS.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by the authority of the Council of the Borough of West Chester that Chapter 62 of the Code of the Borough of West Chester, titled, “Garbage, Rubbish and Refuse,” shall be amended as follows:

SECTION 1. Section 62-1 titled, “Definitions” is amended by adding the following definitions:

DWELLING UNIT- One or more rooms in a building, designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities, with no enclosed space (other than vestibules, entrances or other hallways or porches) in common with any other dwelling unit.

TOTE- A molded plastic heavy-duty wheeled refuse cart of various capacity, with a lid for the purpose of storage of municipal waste or recyclable material.

SECTION 2. Section 62-3, titled, “Disposal regulations”, shall be revised as follows:

§ 62-3. Disposal Regulations.

- A. Every owner of a property which contains shared or common public areas shall be responsible for maintaining such common areas in a clean and sanitary condition.

- B. Every occupant of a property and dwelling unit shall keep in a clean and sanitary condition that part of the property or dwelling unit which the occupant occupies and controls.
- C. Every owner and occupant of a property or dwelling unit shall dispose of all garbage and any other organic waste which might attract insects, rodents or other varmints in a clean and sanitary manner by placing it in the disposal bags, totes, trash cans or dumpsters required by this chapter.
- D. Garbage shall be drained free of liquids and wrapped securely in paper and shall be placed for collection, mixed with the rubbish or refuse, in the disposal bags, totes, trash cans and/or dumpsters required by this chapter. Such totes, trash cans and dumpsters shall be kept clean and disinfected.
- E. No live coals or fire shall be placed in any container or placed out for collection.
- F. No infectious or disease-bearing waste or rubbish, explosives or human or animal feces shall be placed in any container or placed out for collection. This restriction shall not prohibit disposal of diapers or animal waste contained in a separate sealed bag.
- G. No pesticides, herbicides or hazardous waste, as such term is defined by federal, state, county or local law, shall be placed in any container or placed out for collection.
- H. All municipal waste generated within the corporate limits of the Borough of West Chester shall be disposed of only in facilities designated to receive waste from the Borough in accordance with the Chester County Municipal Waste Management Plan.
- I. It shall be unlawful to burn, whether open or contained, any garbage, rubbish or refuse, recyclable materials, leaves or yard waste as defined in this chapter.
- J. No obstructions, such as, but not limited to vehicles, motorcycles, bicycles, furniture or other bulk items, may be parked or stored in a location on a lot that blocks access to the disposal bags, totes, trash cans or dumpsters.
- K. Disposal bags, totes, trash cans and dumpsters shall not be placed or stored in a location which obstructs access to alleys, roads, driveways, or parking spots.

SECTION 3. Section 62-4, titled "Public collection regulations," shall be amended to read as follows:

§ 62-4. Public collection regulations.

- A. All properties which generate a maximum of two thirty-five-gallon totes or trash cans plus four or fewer disposal bags per week of garbage, rubbish and refuse shall be required to receive garbage, rubbish and refuse collection once each week by the Borough or its authorized agent. Those properties which generate more than two thirty-five-gallon totes or trash cans plus more than four disposal bags per week for

the disposal of garbage, rubbish and refuse shall be required to employ a private collector to collect such property's garbage, rubbish and refuse in accordance with Section 62-8 of this Chapter. When it is determined by the Director of Public Works that the amount of garbage, rubbish and refuse set out by a property for public collection exceeds the equivalent of two thirty-five-gallon totes or trash cans plus more than four disposal bags per week for the disposal of garbage, rubbish and refuse on a regular basis, the Director of Public Works shall notify the property owner that the Borough will cease further collections for that property and that the property owner will be required to make arrangements to have a private collector assume such collections pursuant to the regulations in Section 62-8.

- B. Combined garbage, rubbish or refuse shall be collected from each property required to use public collection once per week.
- C. Garbage, rubbish or refuse shall be stored and placed out for collection in a tote or trash can which shall not exceed a capacity of thirty-five gallons. A disposal bag shall be used on a collection day when the quantity of garbage, rubbish or refuse exceeds two thirty-five-gallon totes or trash cans; provided, however, that no more than four disposal bags may be used at any one collection time. A disposal bag shall be set out on a collection day outside of a sealed tote. A disposal bag may be purchased at the Borough at a cost to be established by Council from time to time by resolution. The disposal bag shall be securely tied and sealed at the time of collection.
- D. All totes and trash cans shall be closed with tight-fitting lids which are weatherproof, varmintproof and insectproof. The lid shall not, however, be roped, chained or permanently affixed to the container unless hinged by the factory.
- E. All totes and trash cans must contain the street address and unit number, where applicable, of the owner in clear, legible and conspicuous writing on the outside of the container.
- F. Any garbage, rubbish or refuse that is not contained and/or placed in a disposal bag, tote or trash can will not be collected by the Borough. The Borough may refuse to collect garbage that is undrained, unwrapped or improperly contained.
- G. Garbage, rubbish and refuse shall be collected from the curb on the days specified by Borough regulations. Where a property abuts an alley, the aforesaid collection shall be at the alleys. Disposal bags, totes and trash cans shall be set out not later than 6:00 a.m. on the day of collection. Disposal bags, totes and trash cans shall not be set out earlier than 6:00 p.m. of the day preceding collection. Empty totes and trash cans must be stored on the property in the locations specified below not later than 12:00 midnight of collection day. Empty totes and trash cans shall be removed from the collection site and stored on the property as follows:

1. If trash is collected from a street in front of the property. In a location which is not visible from the public street(s) in front of the property. If there is no location available which is not visible from the public street in front of the property, an alternative location may be approved by the Borough's Department of Public Works.
2. If trash is collected from the rear of the property. In a location which is: (i) a minimum of five feet from the edge of the asphalt with screening on at least two sides; (ii) 20 feet from the edge of the asphalt if no screening is provided; or (iii) inside any garage or other enclosed building. If there is no location available which complies with this requirement, an alternative location may be approved by the Borough's Department of Public Works.

H. No tote or trash can, including the contents thereof, shall exceed 60 pounds. No disposal bag shall exceed 40 pounds.

SECTION 4. Section 62-8, titled "Private collection regulations," shall be amended to read as follows:

"§62-8.Private collection regulations.

- A. Persons required to avail themselves of the use of private collectors shall have at least one collection per week or more often as necessary to protect the public health and safety, with more frequent collection if, in the opinion of the Borough Code Enforcement Officer, the public health and safety so require. The Borough will not collect any garbage, rubbish or refuse from properties which are required to employ a private collector.
- B. Any property which generates more than the equivalent of four ninety-six-gallon totes or trash cans per week for the disposal of garbage, rubbish and refuse shall be required to use a dumpster with a minimum capacity of 2 cubic yards provided by the owner of the property.
- C. All totes, trash cans and dumpsters utilized by private collectors for the collection of garbage, rubbish and refuse and recyclable materials as required by this Chapter shall comply with the regulations set forth in this Chapter and shall be located on private property. Dumpsters shall be in an area enclosed by fencing and screening to a height at least one foot higher than the dumpster. The screening shall be constructed of metal, wood or such other material as to completely hide the dumpster(s) from view and shall be further constructed to prevent access to the dumpster(s) by animals. The fencing and screening shall at all times be maintained in good repair.
- D. The fencing and screening of dumpsters as required by Subsection C hereof shall be completed within 90 days of the effective date hereof. Persons who are unable to comply with the screening and fencing requirements may file a written request for an exception thereto with the Borough's Director of Public Works. The Director of

Public Works shall meet with the property owner and attempt to find a suitable alternative to screen the dumpster(s). If the Director of Public Works and the property owner cannot agree upon a reasonable alternative to screen the dumpster(s), the property owner may seek approval of an exception to the screening requirements by the Public Works Committee of the Borough. The person seeking the requested exception shall bear the burden of demonstrating inability to comply with the requirements of this chapter.

- E. Private collectors shall be permitted to collect, remove and transport garbage, rubbish and refuse within the Borough of West Chester on all days of the week, except Sunday and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- F. Where the properties abut an alley, garbage, rubbish and refuse shall be collected from the alley. Totes and trash cans shall not be set out earlier than 6:00 p.m. of the day preceding collection. Empty totes and trash cans must be stored on the property in the locations specified below not later than 12:00 midnight of collection day. Empty totes and trash cans shall be removed from the collection site and stored on the property as follows:
 - 1. If trash is collected from a street in front of the property. In a location which is not visible from the public street(s) in front of the property. If there is no location available which is not visible from the public street in front of the property, an alternative location may be approved by the Borough's Director of Public Works.
 - 2. If trash is collected from the rear of the property. In a location which is: (i) a minimum of five feet from the edge of the asphalt with screening on at least two sides; (ii) 20 feet from the edge of the asphalt if no screening is provided; or (iii) inside any garage or other enclosed building. If there is no location available which complies with this requirement, an alternative location may be approved by the Borough's Director of Public Works. Unless otherwise authorized by the Director of Public Works, the collection of garbage, rubbish and refuse shall not commence before 6:00 a.m. and may not continue after 6:00 p.m.
- G. Private collectors shall operate their vehicles within the Borough of West Chester so as to cause the least possible disruption to traffic flow on Borough streets.
- H. Private collectors who operate within the Borough must offer to all residential, commercial, institutional, municipal establishment and community activity customers the pickup of high-grade office paper, corrugated cardboard, newspaper, plastic containers Nos. 1 through 7, aluminum cans, green glass, brown glass, clear glass and bimetallic/steel cans.

- I. All persons who collect municipal waste or recyclables in the Borough shall submit an annual report to the Borough on forms provided by the Borough stating the following:
 1. The report shall contain a list of all establishments in the Borough, including street addresses for which the waste hauler collected municipal waste and/or recyclables.
 2. The report shall give the total weight of municipal waste and the total weight of each recyclable material collected by the waste hauler in the Borough.
 3. The report shall be submitted to the Borough each year no later than February 1 and shall include the information required in Subsection J(1) and (2) for the immediately preceding calendar year.
 4. Failure to file the required report in a timely manner shall subject the waste hauler to the penalties as provided in this chapter.

SECTION 5. Section 62-9, titled "Interference with refuse out for collection prohibited," shall be amended to read as follows:

“§ 62-9. Interference with refuse out for collection prohibited. It shall be unlawful for any person not authorized to do so to remove the lid from any tote, trash can or dumpster or to collect, molest or scatter refuse set out for collection.”

SECTION 6. Section 62-11, titled "Dumpster regulations," shall be renamed "Regulations for dumpsters used in construction" and shall be revised as follows:

§ 62-11. Regulations for dumpsters used on construction projects.

- A. All dumpsters that are used for construction projects in the Borough must comply with the regulations in this section.
- B. No dumpster used for shall be placed or located within any public right-of-way within the Borough by any person unless such person first obtains a permit therefor from the Director of Public Works. Permits may be applied for at the Public Works Department.
- C. Each permit shall be valid for a period of thirty days from the date of its issuance. Dumpster permits shall be renewable for a period not to exceed 30 days from initial placement, unless after written request, the Director of Public Works authorizes a renewal of the permit for an additional period that the Director, in his sole discretion, deems reasonable and necessary. In addition, there will be a parking fee (per space occupied) for any dumpster that is located in a metered parking space. The fee for the permit and the parking fee, if applicable, shall be paid to the Borough in accordance with a Schedule of Fees, which shall be established and may be

amended from time to time by resolution of the Borough Council. The Schedule of Fees shall be kept on file at the office of the Borough Manager.

- D. A dumpster shall be located in such a manner that it does not obstruct or interfere with the passage of vehicular or pedestrian traffic.
- E. A dumpster must be equipped with a workable lid and reflectors or reflective tape on both ends and along the outer edges adjacent to a right-of-way. Reflectors shall be a minimum of three inches in diameter, and reflective tape shall be a minimum width of two inches. If reflectors are used, a minimum of three shall be affixed to both ends, and a minimum of four shall be affixed on the sides. If reflective tape is used, the tape shall be a minimum of three feet in length on both the ends and the sides.
- F. The name, address and telephone number of the owner of the dumpster shall be conspicuously displayed thereon.
- G. No garbage, rubbish, refuse or other discarded materials or waste, including but not limited to solid and liquid waste, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase of serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment shall be placed in a dumpster by any person.
- H. Every dumpster must be watertight, and every dumpster and every dumpster area must be kept and utilized in a safe, clean and orderly manner and in such a manner as to minimize dust. The dumpster lid shall remain closed except when waste, garbage, rubbish, refuse and other discarded materials and waste are being loaded into the dumpster.
- I. A dumpster shall be promptly removed when it is full.
- J. The Director of Public Works may revoke any permit for a dumpster if any person fails to comply with the regulations and requirements of this section. In addition, any dumpster which is in noncompliance with the regulations of this subsection may be removed by the Borough of West Chester, at the owner's expense, if the noncompliance is not remedied within 24 hours of notice of noncompliance.
- K. The Director of Public Works may impose such additional requirements, rules and regulations as he determines to be necessary in the administration of this section.

SECTION 7. Section 62-12, titled "Recycling collection regulations", subparagraph D shall be amended to read as follows:

- D. Date and place of collection. All recyclable materials shall be placed for collection at the same place, days and times as regular collection for garbage, rubbish and refuse as specified in § 62-4 and §62-8 of this chapter. The containers used for recyclable

materials shall be stored in the same locations as the totes, trash cans and dumpsters must be stored as specified in § 62-4 and §62-8 of this chapter.

SECTION 8. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 9. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

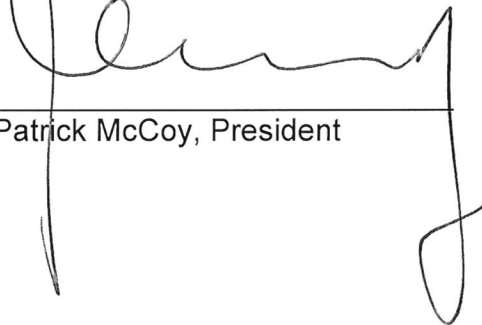
ENACTED AND ORDAINED THIS 22 DAY OF MAY 2025.

ATTEST:



Sean Metrick, Secretary

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: 

Patrick McCoy, President

APPROVED THIS 22 DAY OF MAY, 2025.



Lillian L. DeBaptiste, Mayor