

Borough of Lilly

LILLY, PENNSYLVANIA

ORDINANCE

Ordinance No.: 1 2021-1 January

*An Ordinance of the Lilly Borough Council
Providing for the Collection and
Imposition of Reasonable Fees and
Charges for the Collection of Garbage
and Other Refuse Material*

WHEREAS, Borough Council is authorized by Section 1202(8)(i)(A) of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) "to provide for the collection and imposition of reasonable fees and charges for the collection of garbage and other refuse material."; and

WHEREAS, Section 304(b)(1) of Pennsylvania's Municipal Waste Planning, Recycling and Waste Reduction Act (the "Act") authorizes boroughs to adopt resolutions, ordinances, regulations and standards for the recycling, transportation, storage and collection of municipal wastes or source-separated recyclable materials . . ."; and

WHEREAS, Section 304(c) of the Act authorizes boroughs to "contract with any person to carry out its duties for the recycling, transportation, collection and storage of municipal waste and source-separated recyclable materials . . ."

NOW THEREFORE, the Lilly Borough Council hereby **ORDAINS** as follows:

Section 1. *Short Title.* This ordinance shall be known as and referred to as the "Lilly Borough Solid Waste Ordinance."

Section 2. *Definitions.* The following words and phrases when used in this ordinance shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Borough" Lilly Borough Council

“Bulky Waste” Large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.

“Commercial Establishment” Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

“Garbage” Solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

“Person” Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

“Private Collector” Any person, firm, copartnership, association, corporation or municipality that has been licensed by Cambria County or its designated representative to collect, transport and dispose of refuse for a fee.

“Refuse” All solid waste materials which are discarded as useless

“Rubbish” This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

Section 3. *Standards and Regulations for the Collection and Transportation of Waste.*

1. The Borough shall provide for the collection of all garbage, refuse, rubbish and bulky wastes from individual residences, multifamily dwellings and commercial establishments or it may contract with a private collector(s) to provide this essential collection service.
2. All households and homeowners shall utilize the collection service provided by the Borough.
3. Commercial establishments may utilize the Borough’s service or may opt out if they maintain a dumpster on the premises and provide written proof to the Borough Secretary that they are under contract for the collection and transportation of the waste.

Section 4. *Collection and Disposal Charges.*

1. The Borough shall be authorized to make funds available for the establishment, maintenance and operation of the municipal solid waste collection and transportation system or for the contracting of such service to a private collector.
2. The fees for the solid waste collection and transportation shall be established by resolution of the Borough.

Section 5. *Penalties.* Any person, firm or corporation who shall violate any provision of this ordinance shall pay a civil penalty not to exceed one thousand dollars (\$1,000.00) plus costs and attorney fees. Each day that a violation of this ordinance continues shall constitute a separate offense.

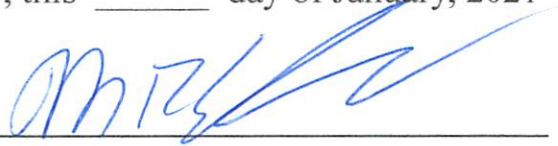
ORDAINED AND ENACTED this sixth day of January, 2021

BOROUGH OF LILLY

By: 
William D. Patterson - President

Attest: _____ (Seal)
Claudine M. Falger - Secretary

APPROVED, this _____ day of January, 2021


Michael Eckenrode - Mayor