

BOROUGH OF LILLY
CAMBRIA COUNTY
PENNSYLVANIA

Ordinance No. 1989-3

AN ORDINANCE ESTABLISHING A MANDATORY PROGRAM FOR RECYCLING OF CERTAIN GARBAGE AND/OR REFUSE WITHIN THE BOROUGH AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.

The Borough of Lilly, under the authority of Section 46202(11) and other appropriate Sections of the Borough Code, 53 P.S. 45101, et seq., and other applicable laws, hereby ordains as follows:

SECTION 1. When used in this Ordinance, the following words shall have the meanings ascribed to them:

A. Glass Containers - All containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter, and all other material commonly known as glass excluding, however, blue glass, flat glass, plate glass and glass commonly known as window glass.

B. Plastic Containers - All containers made from unbreakable synthetic material, the product being transparent or translucent and being used for the bottling of milk, soft drinks and other beverages and liquids, excluding, however, all paper and cardboard materials.

C. Newspapers - Paper of the type commonly referred to as newsprint which is distributed at stated intervals, usually daily or weekly, which has printed thereon news and opinions and

which contains advertisements and other matters of public interest. Magazines and periodicals, as well as all other paper products not newsprint, are not considered newspapers.

D. Recyclables - Glass containers, plastic containers, aluminum cans and newspapers which have an economic value in the secondary materials market.

SECTION 2. All residents of the Borough of Lilly who place garbage and/or refuse at curbside for municipal collection shall:

A. Separate glass containers, plastic containers, aluminum cans and newspapers from other garbage and/or refuse,

B. Empty and clean such glass containers and such plastic containers, separate them into clear and colored lots and either double-bag, carton or bundle such lots in hand-manageable quantities,

C. Rinse such aluminum cans and bag them in hand-manageable quantities,

D. Keep such newspapers dry and either tie them in hand-manageable bundles or place them in hand-manageable bags, and

E. Place all such bags, bundles and cartons at curbside on the morning of each day designated by the Borough of Lilly for the collection of recyclables.

SECTION 3. Immediately upon the placement of such bags, bundles and cartons at curbside, the recyclables therein shall become the sole and exclusive property of the Borough of Lilly or

the business authorized by the Borough of Lilly for the collection of recyclables.

SECTION 4. It shall be a violation of this Ordinance for any resident of the Borough of Lilly to:

A. Fail to, or improperly, separate, bundle, bag, carton, or otherwise package, or place at curbside, all glass containers, plastic containers, aluminum cans or newspapers in accordance with SECTION 2 above, and

B. Collect or dispose of, either directly or indirectly, any recyclable after it becomes the property of the Borough of Lilly, or its designee, in accordance with SECTION 3 above.

SECTION 5. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution, or, in default of payment of such fine and costs to undergo imprisonment for not more than thirty (30) days, it being specifically provided that each day's violation of this Ordinance shall be deemed a separate violation of this Ordinance.

SECTION 6. 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 or sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Lilly that this Ordinance would have been adopted had such

unconstitutional, illegal or invalid sentence, clause, section, or any part hereof had not been included herein.

SECTION 7. All Ordinances, or parts of Ordinances, of the Borough of Lilly inconsistent are hereby repealed as to such inconsistency only.

SECTION 8. This Ordinance shall become effective immediately. ENACTED AND ORDAINED this 6th day of July , 1989.

BOROUGH OF LILLY

BY

Francis J. Flayko
Mayor

BY

Richard A. Sweeney
President of Council

ATTEST:

Clara P. Andrich
Secretary



[Signature]
Borough Solicitor

Gerald P. Neugebauer, Jr., Esquire
Law Building
Cresson, PA 16630