

ORDINANCE NO. 2012-1-01

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA,  
AMENDING CHAPTER 27 (ZONING)  
TO PERMIT GROUP QUARTERS FOR FIRE AND AMBULANCE STATIONS

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

**SECTION 1.** Chapter 27 (Zoning) Part 2 (Terminology) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

**Section 27-203. Definitions.**

Group quarters for fire and ambulance station – any dwelling or portion thereof which is designed or used for not more than eight persons and having common eating facilities which is connected to a fire or ambulance station. All such persons shall be employees or volunteers with the fire or ambulance station that they reside within.

**SECTION 2.** Chapter 27 (Zoning) Part 3 (Zone Regulations) of the Red Lion Borough Code of Ordinances shall be amended to include the addition of the following subsections:

a. **Section 27-303. Residential-Outlying Zone (R-O).**

2. **Uses by Right.** The following principal uses are permitted by right in the R-O Zone:

E. Group quarters for fire and ambulance station.

b. **Section 27-304. Residential-Town Zone (R-T).**

2. **Uses by Right.** The following principal uses are permitted by right in the R-T Zone:

J. Group quarters for fire and ambulance station.

c. **Section 27-305. Commercial Zone (C).**

2. **Uses by Right.** The following principal uses are permitted by right in the C Zone:

K. Group quarters for fire and ambulance station.

d. **Section 27-306. Borough Center Zone (BC).**

2. **Uses by Right.** The following principal uses are permitted by right in the BC Zone:

K. Group quarters for fire and ambulance station.

e. **Section 27-307. Industrial Zone (I).**

2. **Uses by Right.** The following principal uses are permitted by right in the I Zone:

N. Group quarters for fire and ambulance station.

**SECTION 3.** This Ordinance shall be effective five (5) days after adoption.

**SECTION 4.** Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this *9<sup>th</sup>* day of *January*, 2012, by the Borough Council of the Borough of Red Lion

ATTEST:

BOROUGH COUNCIL OF THE BOROUGH OF RED LION:

*[Signature]*  
Borough Secretary

By: *[Signature]*  
Borough Council President

APPROVED, this *9<sup>th</sup>* day of *January*, 2012, by the Mayor of the Borough of Red Lion

ATTEST:

*[Signature]*  
Borough Secretary

*[Signature]*  
Mayor

ORDINANCE NO. 2012-6-03

RED LION BOROUGH  
YORK COUNTY, PENNSYLVANIA

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA DELETING CHAPTER 20 "SOLID WASTE" PART 2 "RECYCLING" WITH A MANDATORY SEPARATION AND COLLECTION OF RECYCLING MATERIALS FROM MUNICIPAL SOLID WASTE.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

**Section 1. Definitions**

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

**"Act 97"** - The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended.

**"Act 101"** - The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.

**"Aluminum"** - All food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

**"Clear Glass"** - Clear Glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

**"Colored Glass"** - Colored Glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

**"Commencement Date"** - The date upon which the current and subsequent Municipal Contract collection services begin.

**"Commingled"** - Designated Recyclable Materials (a) which have been segregated from Regulated Municipal Waste, but which have not been separated into different types of

Recyclable Materials and (b) which have been placed in a Recycling Container for the purpose of collection.

**"Community Activities"** - Events that are sponsored by public or private agencies or individuals, including but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

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

**"Construction/Demolition Waste"** - A portion of Municipal Waste resulting from the construction or demolition of buildings and other structures, including wood, plaster, drywall and wall board, metals, asphaltic substances, bricks, block, and unsegregated concrete. The term also includes street sweepings and Non-Friable Asbestos Waste. The term does not include the following if they are separated from other Waste and used as clean fill:

- (i) Uncontaminated soil, rock, stone, gravel, brick, block, concrete, and used asphalt.
- (ii) Waste from land clearing, grubbing and excavation including trees, brush, stumps and vegetative material.

**"Contractor"** - The Person providing Municipal Contract Waste and Designated Recyclable Materials collection services under the Municipal Contract.

**"Corrugated Cardboard"** - Unbleached, unwaxed kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and related products.

**"Curbside"** - The correct location for the placement of Refuse Containers and Recycling Containers for the purpose of collection by the Contractor, which shall be (a) adjacent to the Residential Unit and (b) no more than five (5) feet from the public street used by collection vehicles.

**"Designated Recyclable Materials"** - Those Source Separated Recyclable Materials designated in Section 6 of this Ordinance.

**"Existing Contract"** - Any Municipal Contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials generated or located within the Municipality which (a) was legally entered into prior to the effective date of this Ordinance and (b) when entered into was legally enforceable.

**"Extra Refuse Containers"** - Refuse Containers which are in excess of the number of Refuse Containers per collection site limit in the Municipal Contract.

**"Extra Service Tag"** - A label which must be affixed to Tires, White Goods, Oversized Refuse Items, Yard Waste and Extra Refuse Containers in order for such items to be collected by the Contractor.

**"Facility"** - Any specific site designated by YCSWA (or approved by YCSWA) as the specific place or site to which Solid Waste or Source Separated Recyclable Materials, or any portion of Solid Waste or Source Separated Recyclable Materials, must or may be delivered; or in the absence of a specific site being designated by YCSWA, any approved site for the delivery of any category of Solid Waste or Source Separated Recyclable Materials.

**"Farm"** - A tract of land containing ten (10) or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

**"Generator"** - A Person who produces or creates any Solid Waste.

**"Hazardous Waste"** - Garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(i) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or

(ii) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (a) coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§30.51-30.62), (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1691.1001), (c) solid or dissolved material in domestic sewage, (d) solid dissolved materials in irrigation return flows, (e) industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. §1342), or (f) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2394).

**"High-Grade Office Paper"** - Desktop generated paper limited to white ledger, copy paper, and computer printout (CPO).

**"Household Hazardous Waste"** - A portion of Municipal Waste that would be considered hazardous under Act 97 but for the fact that it is produced in quantities smaller than those regulated as Hazardous Waste under Act 97 and is generated by Persons not otherwise covered as Hazardous Waste Generators by Act 97. Household Hazardous Waste includes the following materials and other materials of a similar nature:

- (i) Anti-freeze;
- (ii) Batteries;
- (iii) Chlorinated hydrocarbons;
- (iv) Fluorescent light bulbs and other mercury-containing devices;
- (v) Gasoline and kerosene;
- (vi) Grease and rust solvents;
- (vii) Oven, toilet and drain cleaners;
- (viii) Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers;
- (ix) Photographic and pool chemicals;
- (x) Transmission and brake fluids;
- (xi) Used oil or other hydrocarbon based lubricants; and
- (xii) Wood, metal, rug and upholstery cleaners and polishes.

**"Multi-Family Unit"** - A property with four (4) or more Residential Units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding Farms.

**"Municipal Contract"** - The agreement between the Municipality and a Permitted Collector under which collection services are to be provided to Residential Units for Municipal Contract Waste and for Designated Recyclable Materials.

**"Municipal Contract Waste"** - Those portions of Regulated Municipal Waste which are to be collected and disposed of under this Municipal Contract. Municipal Contract Waste consists exclusively of Refuse and Oversized Refuse Items.

**"Municipality"** - (Name of Municipality).

**"Municipality's Policies and Procedures"** - The rules and regulations adopted and revised from time to time by the Municipality which govern and pertain to (a) the Municipality's Recycling program and (b) the on-site collection or storage of Regulated Municipal Waste within the Municipality.

**"Newsprint"** - Paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

**“Non-Processable Waste”** - Non-Processable Waste is a portion of Municipal Waste consisting of materials which cannot be handled by YCSWA’s normal processing or disposal methods.

**“Non-Residential Units”** - All commercial, municipal and institutional establishment, all Community Activities and all Farms, excluding Residential Units and Multi-Family Units.

**“Open Burning”** - A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

**“Oversized Refuse Items”** - Refuse which will not fit into Refuse Containers, but which is not Non-Processable Waste, including small furniture, carpet, portable televisions and the like, but excluding Tires and White Goods.

**“Permitted Collector”** - A Person who is in possession of all pertinent permits and licenses which may be required by (a) the Municipality and (b) YCSWA for the collection, storage or disposal of Solid Waste or Recyclable Materials.

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

**“Plan”** – the York County Municipal Waste Management Plan Update approved pursuant to Act 97 and pursuant to Section 501(b) of Act 101, and any subsequent revisions, amendments or updates thereto which are approved pursuant to the provisions of Act 101.

**“Plastics”** - Recyclable Plastics consist of containers with a neck or opening smaller than the base, which are primarily: #1 PETE (such as soda and water bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

**“Putrescible Waste”** - A portion of Municipal Waste consisting of organic waste materials which due to biological decomposition are, or have a tendency to be, rotten, foul, or odorous, including dead animals and spoiled foods, but not including sludge.

**“Recyclable Materials”** - Any material which would be Regulated Municipal Waste but for Source Separation and which will be processed into raw materials or products which are beneficially reused.

**“Recycling”** - The separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as Solid Waste or the mechanized separation and treatment of Solid Waste and creation and recovery of reusable materials.

**“Recycling Container”** - For Residential Units, the term “Recycling Container” shall refer to the container supplied by the Municipality. For Multi-Family Units and Non-Residential Units, the term “Recycling Container” shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting.

**“Refuse”** - Refuse is that portion of Regulated Municipal Waste except:

- (a) Construction/Demolition Waste;
- (b) Non-Processable Waste;
- (c) Putrescible Waste; and
- (d) Household Hazardous Waste.

**“Refuse Container”** - A receptacle which is (a) constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors or (b) a polyethylene bag which (i) is specifically designed for storage and collection, (ii) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (iii) has a holding strength capable of withstanding normal stresses until it is collected. With respect to Residential Units, the weight of a Refuse Container and its contents shall not exceed thirty (30) pounds nor shall its capacity exceed thirty-two (32) gallons.

**“Regulated Municipal Waste”** - Any Solid Waste generated or collected within the Municipality which is 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 meeting the definition of Residual Waste or Hazardous Waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include Designated Recyclable Materials or Unacceptable Waste.

**“Residential Unit”** - Any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a Multi-Family building containing three (3) or fewer dwelling units, excluding Farms. When used in this Ordinance or the Municipality's Policies and Procedures, the term “Residential Unit” shall also refer to any Multi-Family Unit or Non-Residential Unit that requests and receives approval from the Municipality to use the collection services provided under the Municipal Contract.

**“Residual Waste”** - Any garbage, refuse, other discarded material or other Waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining

and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (a) coal refuse as defined in the Coal Refuse Disposal Control Act or (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.

**“Scavenging”** - The removal of Designated Recyclable Materials in violation of Section 10 of this Ordinance.

**“Single Stream”** - A system where Recyclable Materials; commonly fibers and glass, metal and plastic containers; are collected and processed together.

**“Solid Waste or Waste”** - Any waste, including but not limited to Municipal, Residual, or Hazardous Wastes, including solid, liquid, semisolid or contained gaseous materials.

**“Source Separate”** or **“Source Separation”** - The process of separating, or the separation of, Designated Recyclable Materials from other Solid Waste at the location where generated for the purpose of Recycling.

**“Steel Cans”** - The ferrous metal food or beverage containers commonly known as tin cans.

**“Tires”** - Any pneumatic rubber automobile, truck, or farm implement tire.

**“Unacceptable Waste”** - The following types of Solid Waste are Unacceptable Waste unless approved by YCSWA on a case-by-case basis:

- (i) Chemotherapeutic Waste;
- (ii) Drums, barrels, buckets
- (iii) Explosives and Ordnance Materials;
- (iv) Gas cylinders
- (v) Hazardous Waste;
- (vi) Infectious/Pathological Waste; and
- (vii) Radioactive Materials.

**“White Goods”** - A portion of Regulated Municipal Waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

**“Yard Waste”** - All garden residues, leaves, shrubbery and tree trimmings, but not including grass clippings.

**“YCSWA”** - The York County Solid Waste Authority, a municipal authority organized and existing under the Municipality Authorities Act, as amended.

**YCSWA Facility**” - Any Facility owned or operated by or on behalf of YCSWA.

**“YCSWA Flow Control Ordinance”** - The York County Waste Flow Control Ordinance No. 89-4 adopted on August 30, 1989, by the York County Commissioners

**“YCSWA Licensing Rules and Regulations”** - The York County Solid Waste Authority Municipal Waste Collection and Transportation Licensing Rules and Regulations and Recyclable Materials Licensing Rules and Regulations adopted and revised from time to time by YCSWA which govern and pertain to (a) the collection, transportation, processing and marketing of Recyclable Materials in York County and (b) the collection and transportation of Municipal Waste, as defined by Act 101, in York County.

**Section 2. Mandatory Recycling**

All persons within the Municipality shall Source Separate Designated Recyclable Materials generated by such Person or generated within a Residential Unit, Multi-Family Unit or Non-Residential Unit occupied by such Person.

**Section 3. On-Site Collection and Disposal**

Each Person who owns or occupies a Residential Unit, Multi-Family Unit or Non-Residential Unit within the Municipality shall ensure that Regulated Municipal Waste and Designated Recyclable Material generated at such Residential Unit, Multi-Family Unit or Non-Residential Unit are collected and disposed of in accordance with this Ordinance, the Municipality's Policies and Procedures, and YCSWA Licensing Rules and Regulations.

**Section 4. Residential Units**

Collection services for Municipal Contract Waste, and for Designated Recyclable Materials shall be provided to Residential Units by the Contractor. Each Person who owns or occupies a Residential Unit shall prepare Designated Recyclable Materials and Municipal Contract Waste for collection in accordance with the Municipality's Policies and Procedures. With respect to Regulated Municipal Waste which is not Municipal Contract Waste, Persons who own or occupy Residential Units shall elect to provide proper on-site collection and disposal by either (a) themselves delivering such materials to a Facility or (b) utilizing a Permitted Collector to collect and deliver such materials to a Facility.

**Section 5. Multi-Family Units and Non-Residential Units**

(a) Each Person who owns or occupies a Non-Residential Unit or Multi-Family Unit shall provide proper collection and disposal for Regulated Municipal Waste and Designated Recyclable Materials by utilizing a Permitted Collector to collect and deliver such materials to a Facility. With respect to Municipal Contract Waste and Designated Recyclable Materials, a Person who owns or occupies a Multi-Family Unit or Non-Residential Unit may request Municipality approval to receive the services under the Municipal Contract.

(b) Each Person who owns or occupies a Multi-Family Unit or Non-Residential Unit approved to receive services under the Municipal Contract shall comply with the Municipality's Policies and Procedures established for Residential Units and notwithstanding the provisions of Section 6 (b) and (c) of this Ordinance, shall Source Separate the Recyclable Materials designated in Section 6(a).

(c) Each Person who owns a Multi-Family Unit or Non-Residential Unit that does not receive services under the Municipal Contract shall:

(i) provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials;

(ii) provide written instructions to all Persons occupying each Multi-Family Unit and Nonresidential Unit to ensure that all Designated Recyclable Materials are Source Separated; and

(iii) provide collection and delivery of Source Separated Designated Recyclable Materials at a frequency of not less than once per month.

**Section 6. Designated Recyclable Materials**

(a) Each Person who owns or occupies a Residential Unit shall Source Separate the following Recyclable Materials: [i] Clear Glass, [ii] Colored Glass, [iii] Aluminum, [iv] Steel Cans, [v] Plastic, [vi] Newsprint, and [vii] other materials as adopted by Resolution from time to time by the Elected Body of the Municipality.

(b) Each Person who owns or occupies a Multi-Family Unit shall Source Separate the following Recyclable Materials: [i] Clear Glass, [ii] Colored Glass, [iii] Aluminum, [iv] Steel Cans, [v] Plastic, [vi] Newsprint, and [vii] other materials as adopted by Resolution from time to time by the Elected Body of the Municipality.

(c) Each Person who owns or occupies a Non-Residential Unit shall Source Separate, at a minimum, the following Recyclable Materials: [i] Aluminum, [ii] High Grade Office Paper, [iii] Corrugated Cardboard, and [iv] other materials as adopted by Resolution from time to time by the Elected Body of the Municipality.

**Section 7. Yard Waste**

All yard waste must be recycled by residential and non-residential properties. Yard waste will be collected curbside two times per year. One collection will occur in the Spring and one collection will occur in the Fall. At all other times, yard waste may be dropped off at the designated Borough site on Vulcan Road at the public works building.

**Section 8. Approved Haulers**

(a) With respect to (i) Municipal Contract Waste and (ii) Designated Recyclable Materials, no Person other than the Contractor shall collect, transport, store, process or dispose of such Contract Waste. With respect to (i) Regulated Municipal Waste other than Municipal Contract Waste which is generated at Residential Units and (ii) Regulated Municipal Waste or Designated Recyclable Materials generated at Multi-Family Units or Non-Residential Units, no Person other than a Permitted Collector shall collect, store, process or dispose of such waste. (Collection of Leaves/Yard Waste may be arranged by the Municipality in accordance with the Municipality's Policies and Procedures.)

(b) No Person who generates, owns or possesses Designated Recyclable Materials or Regulated Municipal Waste shall, by contract for collection services or otherwise, cause, permit or assist in the collection, storage, processing or disposal of such Waste by any Person other than (i) the Contractor with respect to Municipal Contract Waste or Designated Recyclable Materials generated at Residential Units, and (ii) a Permitted Collector with respect to (A) Regulated Municipal Waste other than Municipal Contract Waste generated at Residential Units and (B) Regulated Municipal Waste or Designated Recyclable Materials generated at Multi-Family Units or Non-Residential Units. (Collection of Leaves/Yard Waste may be arranged by the Municipality in accordance with the Municipality's Policies and Procedures.)

(c) No Permitted Collector who collects or disposes of Designated Recyclable Materials or Regulated Municipal Waste shall, by Municipal Contract for such services or otherwise, cause, permit or assist in the storage, collection, processing or disposal of Designated

Recyclable Materials in a manner which treats such materials as Regulated Municipal Waste, or which is otherwise inconsistent with Source Separation or Recycling.

(d) Notwithstanding the provisions of Section 7(a) and Section 7(b) above, any Person who occupies a Residential Unit may deliver to a Facility the Regulated Municipal Waste and Designated Recyclable Materials which were generated at such Person's residence.

(e) All Regulated Municipal Waste and Designated Recyclable Materials generated or collected in the Municipality shall be delivered directly to a Facility in accordance with the YCSWA Flow Control Ordinance and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such Regulated Municipal Waste and Designated Recyclable Materials from the time of its collection until the time of its delivery to the Facility.

**Section 9. Illegal Dumping and Open Burning.**

(a) No Person shall store, process or dispose of any Regulated Municipal Waste or Designated Recyclable Materials except at a Facility. Notwithstanding the foregoing or Section 6, Yard Waste may be composted to the extent and in the manner provided in the Municipality's Policies and Procedures on the property on which such Yard Waste was generated.

(b) No Person shall process or dispose of any Designated Recyclable Materials through Open Burning.

**Section 10. Scavenging**

From the time of placement for collection of any Designated Recyclable Materials, all such Designated Recyclable Materials shall be the property of the Generator or the Permitted Collector who has contracted to provide on-site collection, as provided in the Municipal Contract. It shall be a violation of this Ordinance for any Person, other than such Permitted Collector, to collect or pick up, or cause to be collected or picked up, any such Designated Recyclable Materials. (Collection of Leaves/Yard Waste may be arranged by the Municipality in accordance with the Municipality's Policies and Procedures.)

**Section 11. Existing Contracts**

(a) Nothing in this Ordinance shall be construed to impair the obligations of any Existing Contract.

(b) No renewal or modification of any Existing Contract, and no new contract for the storage, on-site collection, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials, shall be entered into after the effective date of this Ordinance unless such renewal or modification or new contract shall conform to the requirements of this Ordinance and the Municipality's Policies and Procedures.

(c) No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Section 11 shall provide for on-site collection services to be performed after the Commencement Date for Contract Waste or Designated Recyclable Materials generated at Residential Units. This provision shall not apply to the Contract between the Municipality and the Contractor. With respect to any contract which violates this Section 11(c), such contract shall be deemed void and the hauler that is a party to such contract (a) shall reimburse to the applicable Residential Units any funds which have been paid for such on-site collection services and (b) shall not collect or attempt to collect any funds for such on-site collection services.

**Section 12. Authorization of Municipality.**

The Municipality shall have the power to issue the Municipality's Policies and Procedures governing all matters set forth in this Ordinance and any other related matters deemed necessary or convenient by the Municipality. The Municipality's Policies and Procedures shall be effective when issued in writing and signed by the manager of the Municipality. The Municipality shall have the power to establish record and reporting requirements, and standards and procedures for the issuance, administration and revocation of licenses, as deemed necessary, including without limitation, (a) application procedures and standards and conditions for licenses, (b) the fixing of a monetary bond, with or without surety, to secure the compliance by any Permitted Collector with any such requirements, standards or procedures, and (c) any other matters deemed necessary or convenient by the Municipality. In the event of suspension or revocation of any license which is issued by the Municipality or YCSWA, the Person whose Collection Permit is suspended or revoked shall refund to each Customer any prepaid fees.

**Section 13. Unlawful Activity**

It shall be unlawful for any Person to violate, or cause or permit or assist in the violation of, any provision of this Ordinance or any provision of the Municipality's Policies and Procedures. All unlawful conduct shall also constitute a public nuisance.

**Section 14. Penalty**

Any Person violating any provision of this Ordinance or any provision of the Municipality's Policies and Procedures, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$ 1,000 and costs of prosecution and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Each violation of any provision of this Ordinance or of any provision of the Municipality's Policies and Procedures, and each day that such a violation shall exist, shall constitute a separate violation and offense.

**Section 15. Persons Liable**

For purposes of the obligations established by this Ordinance or the Municipality's Policies and Procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "Person", "Residential Unit", "Multi-Family Unit" and "Non-Residential Unit" shall (a) include officers and directors of any corporation or other legal entity having officers and directors and (b) refer to, and impose joint and several liability upon, both (i) the persons residing in or occupying any such Residential, Multi-Family or Non-Residential Units and (ii) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises.

**Section 16. Injunctive Relief**

In addition to any other remedy provided in this Ordinance, the Municipality may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance and/or the Municipality's Policies and Procedures.

**Section 17. Concurrent Remedies**

The penalties and remedies set forth in this Ordinance are in addition to, not in lieu of, any fines, penalties or remedies provided in the Municipality's Policies and Procedures. The existence or exercise of any remedy shall not prevent the Municipality from exercising any other remedy (a) provided under (i) this Ordinance or (ii) the Municipality's Policies and Procedures, or (b) available at law or equity.

**Section 18. Prior Ordinances**

Any ordinances which pertain to Regulated Municipal Waste or Designated Recyclable Materials, are hereby repealed to the extent of any inconsistency with this Ordinance.

**Section 19. Severability**

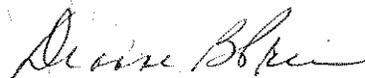
The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses,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

**Section 20. Effective Date**

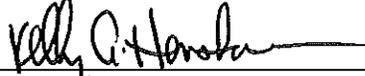
This Ordinance shall be effective five (5) days after adoption.

ENACTED AND ORDAINED, this *11<sup>th</sup>* day of *June*, 2012, by the  
Borough Council of the Borough of Red Lion

ATTEST:

  
Borough Secretary

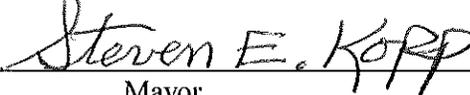
BOROUGH COUNCIL OF THE BOROUGH OF  
RED LION:

By:   
Borough Council President

APPROVED, this *11<sup>th</sup>* day of *June*, 2012, by the Mayor of the Borough  
of Red Lion

ATTEST:

  
Borough Secretary

  
Mayor

**ORDINANCE NO. 2012-12-4**

**BOROUGH OF RED LION  
YORK COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF RED LION, YORK COUNTY, PENNSYLVANIA, IMPOSING A 4.20 MILL TAX FOR GENERAL REVENUE PURPOSES UPON ALL REAL PROPERTY SITUATE WITHIN THE BOROUGH FOR CALENDAR YEAR 2013, PROVIDING FOR A DISCOUNT IF PAID WITHIN TWO MONTHS OF THE DATE OF THE TAX NOTICE, PROVIDING A PENALTY FOR FAILURE TO MAKE PAYMENT WITHIN FOUR MONTHS OF THE DATE OF THE TAX NOTICE, AUTHORIZING THE TAX COLLECTOR OF THE BOROUGH TO ISSUE TAX CERTIFICATIONS AND TO CHARGE A FEE FOR THE ISSUANCE OF THE SAME, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 1302(a) of the Borough Code [53 P.S. § 46302 (a)] authorizes the council of the borough, by ordinance, to levy and collect annually a tax not to exceed thirty (30) mills for general borough purposes; and

**WHEREAS**, Section 1310 of the Borough Code [53 P.S. § 46310] requires the council of the borough to annually adopt an ordinance levying the tax for the fiscal year; and

**WHEREAS**, the borough council deems it to be in the best interests of the citizens of Red Lion Borough to enact an ordinance imposing a 4.20 mill tax for general revenue purposes upon all real property situate within the borough; and

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Council of the Borough of Red Lion, and it is hereby enacted and ordained, in lawful session assembled, as follows:

**SECTION 1. REAL ESTATE TAX LEVY.** A tax for general borough purposes is hereby levied upon all real property situate within the Borough of Red Lion, York County, Pennsylvania, for the calendar year 2013 at the rate of 4.20 mills on the dollar on the valuation thereof assessed for county purposes.

**SECTION 2, DISCOUNT.** All taxpayers subject to the payment of the tax imposed by Section 1., above, shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount thereof within two (2) months after the date of the notice.

**SECTION 3. PENALTY.** All taxpayers who shall fail to make payment of the whole amount of the tax imposed by Section 1., above, for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) of the whole amount thereof.

**SECTION 4. PREPARATION OF DUPLICATES.** The proper officers of the Borough are hereby authorized and directed to prepare and issue proper duplicates of taxes assessed and deliver the same to the tax collector of the Borough of Red Lion, York County, Pennsylvania.

**SECTION 5. TAX COLLECTOR CERTIFICATION.** The tax collector of the borough is hereby authorized to issue a certification concerning the status of taxes imposed under this ordinance to any person requesting the same, and is authorized to charge a fee in the amount of Twenty Dollars (\$20.00) for the certification.

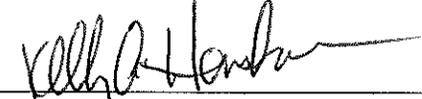
**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment and approval.

**ENACTED AND ORDAINED,** this *16<sup>th</sup>* day of *December*, 2012, by the Borough Council of the Borough of Red Lion

**ATTEST:**

  
Borough Secretary

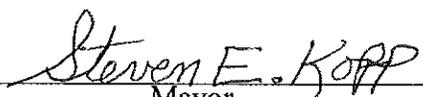
BOROUGH COUNCIL OF THE  
BOROUGH OF RED LION:

By:   
Borough Council President

**APPROVED,** this *16<sup>th</sup>* day of *December*, 2012, by the Mayor of the Borough of Red Lion

**ATTEST:**

  
Borough Secretary

  
Mayor