

BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 494-2024

ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF LEESPORT ORDINANCE NO. 411, AS AMENDED, TO AMEND SECTION 4 ENTITLED "DEFINITIONS" TO ADD NEW DEFINITIONS AND TO DELETE THE DEFINITION OF "YARD WASTE"; AND TO AMEND SECTION 5 ENTITLED "REGULATIONS" TO PROHIBIT THE BURNING OF LEAF WASTE AND DESIGNATED RECYCLABLES.

WHEREAS, the Borough of Leesport, Berks County, Pennsylvania ("Borough") is a political subdivision organized as a Borough in the Commonwealth of Pennsylvania; and

WHEREAS, as a Borough the Borough of Leesport is governed by the Commonwealth of Pennsylvania Borough Code, 8 Pa.C.S.A. §101 et. seq.; and

WHEREAS, Section 1202(5) of the Borough Code of Pennsylvania, 8 Pa.C.S.A. §1202(5), authorizes a Borough to make regulations that may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(11) of the Borough Code of Pennsylvania, 8 Pa.C.S.A. §1202(11), authorizes a Borough to make regulations regarding the emission of smoke; and

WHEREAS, pursuant to the authority contained in the Borough Code of Pennsylvania, Borough Council enacted Ordinance No. 411 on October 20, 2004, which set forth regulations for fires and open burning within the Borough; and

WHEREAS, the Ordinance No. 411 was subsequently amended by Ordinance No. 434; and

WHEREAS, the Borough Council of the Borough of Leesport believes is in the best interests of the residents of Leesport Borough to amend Ordinance No. 411, as amended, in order to prohibit the burning of leaf waste and designated recyclables.

BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania ("Borough") as follows:

SECTION 1. Ordinance Number 411, as amended, Section 4 entitled "Definitions" is hereby amended to add the following terms and their definitions in alphabetical order:

Designated Recyclable Materials - Source separated recyclable materials, including materials listed in Section 1501 of Act 101, and materials designated by the Borough of Leesport for separation, collection, processing, recovery, or reuse as part of a recycling program.

Leaf Waste - Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings but not including grass clippings.

SECTION 2. Ordinance Number 411, as amended, Section 4 entitled “Definitions” is hereby amended to delete the definition of “Yard Waste”.

SECTION 3. Ordinance Number 411, as amended, Section 5 entitled “Regulations” is amended to amend the list of items prohibited to be burned listed in subsection (2)(e) to remove the entry “lawn clippings or yard waste” and to add the entry “designated recyclable materials” and the entry “lawn clipping or leaf waste”.

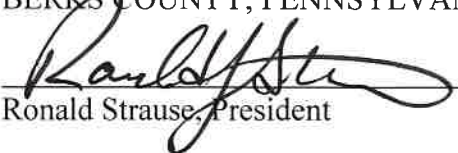
SECTION 4. Any ordinance or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance’s provision.

SECTION 5. 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 of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. This Ordinance shall become effective five (5) days after enacted, as provided by law.

ENACTED AND ORDAINED this 16th day of October, 2024.

COUNCIL FOR THE
BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA


Ronald Strause, President

ATTEST:


Sandra Weiser-Pascavage, Borough Manager / Secretary

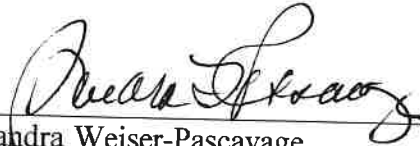
APPROVED this 16th day of October, 2024


David J. Reimer, Mayor of the Borough

CERTIFICATE OF ENACTMENT

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I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 494-2024 adopted by the Council of the Borough of Leesport, Berks County, Pennsylvania at a public hearing following a regular meeting held on October 16, 2024, pursuant to notice as required by law.



Sandra Weiser-Pascavage
Borough Manager / Secretary