

ORDINANCE NO. 93 - 1

AN ORDINANCE AMENDING ORDINANCE NO. 92-1, ENTITLED "AN ORDINANCE REGULATING THE DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF PENN FOREST, COUNTY OF CARBON AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING DEFINITIONS, ESTABLISHING GENERAL REQUIREMENTS FOR A PERMIT APPLICATION, PERMIT FEES, FURTHER PROVIDING REQUIREMENTS AND STANDARDS FOR SANITATION, ESTABLISHING PENALTIES AND LAW ENFORCEMENT PROVISIONS, PROVIDING FOR SEVERABILITY OF PROVISIONS, AND ESTABLISHING EFFECTIVE DATE."

BE IT ORDAINED AND ENACTED by the Township Supervisors of the Township of Penn Forest in Board assembled that Ordinance No. 92-1, entitled "AN ORDINANCE REGULATING THE DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF PENN FOREST, COUNTY OF CARBON AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING DEFINITIONS, ESTABLISHING GENERAL REQUIREMENTS FOR A PERMIT APPLICATION, PERMIT FEES, FURTHER PROVIDING REQUIREMENTS AND STANDARDS FOR SANITATION, ESTABLISHING PENALTIES AND LAW ENFORCEMENT PROVISIONS, PROVIDING FOR SEVERABILITY OF PROVISIONS, AND ESTABLISHING EFFECTIVE DATE" be amended as follows:

1. The title of the Ordinance shall be amended to be:

"AN ORDINANCE REGULATING THE DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF PENN FOREST, COUNTY OF CARBON AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING DEFINITIONS, ESTABLISHING GENERAL REQUIREMENTS FOR A PERMIT APPLICATION, PERMIT FEES, FURTHER PROVIDING REQUIREMENTS AND STANDARDS FOR SANITATION, PROVIDING FOR EXEMPTIONS, ESTABLISHING PENALTIES AND LAW ENFORCEMENT PROVISIONS, PROVIDING FOR SEVERABILITY OF PROVISIONS, AND ESTABLISHING EFFECTIVE DATE."

2. Section 2.01 shall be amended to provide:

"Except as provided in Article VII, all residential waste produced or accumulated at any place within the Township shall be disposed of at a depository."

- provide: 3. Section 2.03 of the Ordinance shall be amended to

"All solid waste produced or accumulated at any place within the Township, other than residential and light commercial waste disposed of at a depository, shall be collected and disposed of by a licensed collector, privately contracted for by the person producing or creating the solid waste or on whose property the solid waste is accumulating."

- provide: 4. Section 5.02 of the Ordinance shall be amended to

"The owner(s) of the household unit and the person producing or creating the residential waste, if different from the owner(s), shall be jointly and severally responsible to either pay the permit fee or obtain an exemption as provided for in Article VII."

- provide: 5. Section 5.04(c) of the Ordinance shall be amended to

"In addition to the permit fees, a per bag fee shall be set by resolution duly adopted at any regular or special meeting of the Supervisors for persons without permits who wish to dispose of residential waste at a depository (ie. household units exempt under Article VII) and persons who wish to dispose of more bags of residential or light commercial waste than is allowed by permit."

provide: 6. Section 6.01(a) of the Ordinance shall be amended to

"Dispose of residential waste other than at a depository (unless exempt under Article VII);"

provide: 7. Section 7.01 of the Ordinance shall be amended to

"(a) Nature of Exemption. If a development, through its homeowners association or other similar entity, contracts with a licensed collector to collect and dispose of all residential waste produced or accumulated within the development, upon approval by the Supervisors under (b) below, the household units in such a development do not have to dispose of the residential waste produced or accumulated on their property at a depository.

(b) Application for Exemption by a Development. If a development desires an exemption under this Section, it must deliver to the Administrator, on or before March 1 of the first year in which an exemption is requested, a written request for such exemption, (executed by the homeowners association or other similar entity), a copy of the contract with the licensed collector, a copy of the licensed collector's license issued by Carbon County, and a list of all household units whose residential waste will be collected and disposed of by the licensed collector. The Supervisors shall act on said request for exemption within 60 days after it is delivered to the Administrator and notify the entity executing the written request of its action within a reasonable time thereafter.

(c) Termination of Exemption. If a development requests and is granted an exemption under this Section, and the

development subsequently decides to dispose of the residential waste produced or accumulated within the development at a depository or fails to obtain an exemption for any year, it shall so notify the Supervisors in writing that it desires to terminate its exemption. It shall be within the Supervisors discretion to determine when the household units in said development may begin disposing of their residential waste at a depository.

(d) Effect of Exemption of Development Upon Household Units Within Development. If a development requests and is granted an exemption under (a) above, the individual household units within the development shall not be required to obtain a permit and shall not be billed a permit fee. However, if such a household unit does desire to purchase a permit to dispose of its residential waste at a depository it shall make application for a permit to the Administrator. It shall be in the Administrator's discretion whether to issue a permit to such a household unit."

8. Section 7.02 of the Ordinance shall be amended to provide:

"Section 7.02. Exemption of Individual Household Unit.

(a) Nature of Exemption. If any household unit contracts with a licensed collector to collect and dispose of all residential waste produced or accumulated at or by that household unit, that household unit does not have to dispose of its residential waste at a depository.

(b) Application for Exemption by a Household Unit. In order to obtain the exemption under this Section, each year the household unit shall return the bill (see Section 5.01) to the Administrator with the following:

- (1) Name and address of applicant;
- (2) Tax parcel number and address of household unit for which exemption is requested;
- (3) Agreement or letter signed by a licensed contractor that it will collect and dispose of all residential waste produced or accumulated at the household unit for the entire garbage collection year in accordance with the terms of this Ordinance;
- (4) Proof that the licensed collector has been paid in full to provide the services described in 3 above for the entire garbage collection year; and
- (5) Such other documentation or information as may be deemed necessary by the Administrator to be sure that the residential waste produced or accumulated at or by the household unit will be collected and disposed of in accordance with the terms of this Ordinance.

(c) Effective Exemption Upon Household Unit. If a household unit requests and is granted an exemption under this Section, the household unit shall not be required to obtain a permit and shall not have to pay the permit fee."

ORDAINED AND ENACTED at a duly assembled public meeting by Penn Forest Township, this 6<sup>th</sup> day of July, 1993.

PENN FOREST TOWNSHIP

BY:

*[Signature]*  
*[Signature]*  
Chris T. Barr  
*[Signature]*  
Judith M. Knappenhagen

ATTEST:

*Cecilia E. Balliet*