

ORDINANCE NO. 05-03

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, PROVIDING FOR EXEMPTIONS, 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. Section 1.02 (Definitions) is amended by adding the following definition of "Principal Owner(s)":

- (k) Principal Owner(s) - The owner(s) of a greater than 50% interest in a use creating or producing light commercial waste. For example, the owner(s) of more than 50% of the shares of stock of a corporation or similar entity creating or producing light commercial waste or the owners of a greater than 50% interest in a partnership or similar entity creating or producing light commercial waste.

2. In Section 4.01 (Solid Waste to be Transported by Licensed Collectors) the phrase, "Except to transport residential or light commercial waste to a depository" is deleted and replaced by the phrase:

Except to (a) transport residential or light commercial waste to a depository, or (b) transport residential waste to a business location in the Township pursuant to an exemption granted under Section 7.03.

3. The following sentence is added to the end of Section 5.01 (Issuance of Permit to Dispose of Residential Waste at a Depository):

Unless granted an exemption under Article VII, the permit fee shall be paid by each and every household unit in the Township, whether or not the household unit produces or creates solid waste in the Township.

4. Section 5.06 (Display of Permits) shall be deleted in its entirety and replaced by the following:

Unless provided otherwise by resolution of the Supervisors, the permit shall be handed to the attendant at the depository prior to disposing of any residential or light commercial waste at the depository.

5. Section 6.01(h) shall be deleted in its entirety and replaced by the following:

h) except for transporting light commercial or residential waste to a depository, or transporting residential waste to a business location in the Township pursuant to an exemption granted under Section 7.03, it shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Township without a current, valid license issued by Carbon County.

6. In Section 6.02 (Violations and Penalties) the minimum fine shall be increased from \$100.00 to \$300.00 and the maximum fine shall be increased from \$300.00 to \$1,000.00.

7. In the title to Section 7.02(c) (Effective Exemption Upon Household Unit) the word "Effective" is deleted and replaced by the words "Effect of".

8. A new Section 7.03 (Exemption of Household Unit in Conjunction with a Business) is added which provides:

**Section 7.03 – Exemption of Household Unit in Conjunction with a Business:**

- (a) Nature of Exemption. If either the owner(s) of a household unit or the person producing or creating residential waste at a household unit is also the principal owner(s) of a business located in the Township which has contracted with a licensed collector for the collection in the Township of solid waste produced or created by such business and the disposal thereof, if permitted by the licensed collector, such household unit may transport its residential waste to the business location in the Township for collection and disposal by the licensed collector, and does not have to dispose of its residential waste at a depository.
  
- (b) Application for Exemption by a Household Unit in Conjunction with a Business. 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) Tax parcel number and address of business location in the Township;
  - (4) Proof that either the owners of the household unit or the person producing or creating the residential waste at the household unit are also the principal owner(s) of the business;
  - (5) Agreement or letter signed by a licensed contractor that it will collect and dispose of all residential waste produced or created at the household unit which is transported to and disposed of at the business location for the entire garbage collection year in accordance with the terms of this Ordinance;
  - (6) Proof that the licensed collector has been paid in full to provide the services described in 5 above for the entire garbage collection year; and

(7) Such other documentation or information as may be deemed necessary by the Administrator to be sure that the residential waste produced or created at or by the household unit will be collected and disposed of in accordance with the terms of this Ordinance.

(c) Effect of Exemption upon Household Unit in Conjunction in a Business.

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.

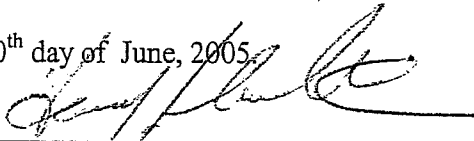
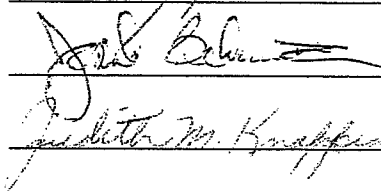
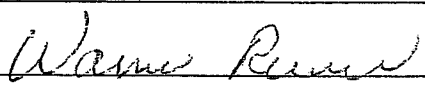
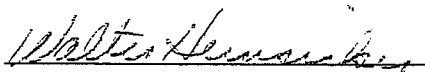
9. Section 8.02 (Severability) is deleted in its entirety and replaced by the

following:

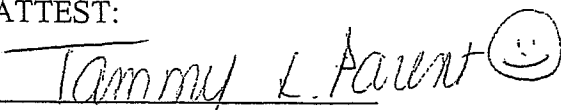
The provisions of this Ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance. It is hereby declared as the intent of the Board of the Township, that this Ordinance shall have been adopted had such unconstitutional, illegal or invalid sentences, clause, section or part thereof not been included therein.

**ENACTED AND ORDAINED** as an Ordinance by the Board of Supervisors of Penn

Forest Township, Carbon County, Pennsylvania, this 20<sup>th</sup> day of June, 2005.

  
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ATTEST:

  
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Secretary