

ORANGE TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 1988-1

WHEREAS, the County of Lycoming, Commonwealth of Pennsylvania (hereinafter referred to as "Lycoming") is presently operating a facility approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania for the disposal of municipal solid waste; and

WHEREAS, the demand for disposal privileges at such facility exceeds the existing facility's capabilities; and

WHEREAS, such demand is constantly increasing and the Township of Orange (hereinafter referred to as "Township") has a need to be assured of future available disposal facilities for such waste; and

WHEREAS, Lycoming and the Township have entered into an Agreement between the parties, a copy of which is attached hereto, whereby Lycoming has become obligated to accept and the Township has become obligated to deliver to Lycoming all municipal solid waste generated within the boundaries of the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Orange, and it is hereby ordained and enacted by the authority of the same as follows:

1. All collectors and/or haulers of municipal solid

waste who handle such waste which has as its place of origin the Township shall deliver such waste only to Lycoming's municipal solid waste facility or facilities, or to a transfer station from which such waste will thence be removed and ultimately disposed of in Lycoming's municipal solid waste facility or facilities.

2. As a condition of such collectors' and/or haulers' right to collect and haul such waste, such collectors and/or haulers shall pay to Lycoming County upon such terms of cash and/or credit as Lycoming shall approve all fees charged by Lycoming in connection with the disposal of the collectors' and/or haulers' solid waste.

3. All haulers and/or collectors of municipal solid waste generated in the Township will be permitted to deliver and deposit such waste at Lycoming's municipal solid waste facility or facilities only during the period of time that such collectors and/or haulers have issued to them a valid existing license so to do issued by Lycoming. Such license shall be a prerequisite of any depositing of such municipal waste in Lycoming's solid waste facilities.

4. All collectors and/or haulers of municipal solid waste generated in the Township must comply with all regulations

of Lycoming County adopted by it regulating the depositing of such waste in Lycoming County's solid waste facilities.

5. All collectors and/or haulers of municipal solid waste generated in the Township will be liable to Lycoming for all loss sustained by Lycoming arising out of the said collectors' and/or haulers' delivery of municipal solid waste to Lycoming County's facilities not in conformity with the then existing Permit(s) to operate those solid waste facilities.

6. All municipal solid waste delivered to Lycoming and disposed of in accordance with the terms of the aforementioned Agreement becomes and remains the property of Lycoming as long as such municipal solid waste is in compliance with the then current Permit(s) held by Lycoming County from the Department of Environmental Resources and all other regulatory bodies.

7. All collectors and/or haulers of municipal solid waste generated in Township will be liable to Lycoming County for any waste delivered to Lycoming's solid waste facilities which is not in compliance with Lycoming's then existing Permit(s). Any waste not in compliance with Lycoming's Permit(s) to accept municipal solid waste shall remain the property and responsibility of said collectors and/or haulers and may be removed by Lycoming from Lycoming's solid waste facilities and disposed of in accor-

dance with laws and/or regulations at such collectors' and/or haulers' expense.

8. In the event that Lycoming County's right to operate its existing facilities for the disposal of solid waste located on property of the Federal Bureau of Prisons near Allenwood, Pennsylvania is terminated for any reason, Lycoming shall not be liable to any haulers or collectors of municipal solid waste generated in Township for damages nor be under any obligation to provide an alternate municipal solid waste disposal facility.

9. It is the intention of this ordinance that all municipal solid waste generated in the Township shall ultimately be disposed of only in Lycoming's municipal solid waste landfill, in accordance with the terms of the aforementioned Agreement between Lycoming and the Township, for so long as the said Agreement shall be in force and effect. Any collector and/or hauler of municipal solid waste which has as its place of origin the Township, who knowingly delivers such waste to any transfer station from which such waste will thence be delivered to and disposed of in any solid waste facility or facilities other than Lycoming's municipal solid waste facility or facilities, or who delivers such waste to any solid waste landfill other than Lyco-

ming's municipal solid waste landfill facility or facilities, shall be in violation of this ordinance, and shall, upon conviction, be deemed to have committed a summary offense, and shall be sentenced to pay to the Township a fine of not more than \$300.00 plus the costs of prosecution, or in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

10. Nothing contained in this ordinance shall be so construed or deemed as to create or impose any duties upon the Township of Orange to the County of Lycoming or to collectors and/or haulers of municipal solid waste subject to the provisions of this ordinance.

11. In so far as the provisions of this ordinance are inconsistent with the provisions of any other ordinance of Orange Township, the provisions of this ordinance shall be controlling.

12. This ordinance shall be in full force and effect from and after the 8th day of March, 1988, and shall continue in full force and effect for so long as the aforementioned Agreement between Lycoming and the Township shall be in force and effect.

ENACTED this 3rd day of March, 1988.

ATTEST:

Suzanne Moore
Secretary

ORANGE TOWNSHIP:

John L. Buck
John L. Buck, Chairman
Board of Supervisors

(SEAL)

CERTIFICATION

I, the undersigned, Secretary of Orange Township, Columbia County, Pennsylvania do hereby certify that the foregoing is a true and correct copy of the Ordinance No. 1988-1, which was duly enacted by the affirmative vote of the members of the Board of Supervisors at a meeting thereof duly called and held on the 3rd day of March, 1988, after due notice to the members and to the public and which was at all times open to the public, that the same was approved by the members of the Board of Supervisors and was duly recorded in the Ordinance Book of said Township, and a summary of which was published as required by law in the Press-Enterprise, a newspaper published and of general circulation in said Orange Township.

Suzanne Moore
Secretary

(SEAL)

AMENDMENT

This Agreement made this 6th day of September, 1990, between Orange Township, a political sub-division of the Commonwealth of Pennsylvania, hereinafter sometimes referred to as "MUNICIPALITY", and LYCOMING COUNTY, a political sub-division of the Commonwealth of Pennsylvania, hereinafter sometimes referred to as "LYCOMING".

WHEREAS, on the 4th day of January 1988, MUNICIPALITY entered into an Agreement with Lycoming County pertaining to the disposal of municipal solid waste, and

WHEREAS, MUNICIPALITY AND LYCOMING mutually desire to extended the expiration date of said Agreement to a fixed date.

NOW THEREFORE, the parties to this Agreement do hereby agree as follows:

1. All provisions of the above referred to Agreement pertaining to expiration dates or extensions thereof are hereby deleted.

2. The above referenced Agreement, notwithstanding any other provisions of said Agreement, shall terminate on January 1, 2001.

3. This Agreement is executed by MUNICIPALITY pursuant to a resolution of MUNICIPALITY lawfully adopted at a meeting of said MUNICIPALITY held on the 6th day of September, 1990.

Columbus

4. This Agreement is executed by the Commissioners of Lycoming County on behalf of Lycoming County pursuant to a resolution of the Board of County Commissioners of Lycoming County lawfully adopted at a meeting of said Commissioners held on the 20th day of September, 1990.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have caused these presents to be duly executed the day and year first above written.

ATTEST:

Suzanne Moore
(Secretary - Treasurer)

ATTEST:

David Whittell
Chief Clerk

Orange Township
(Municipality)

By John S. Burk

By Robert Burk

By Mark Robbins

LYCOMING COUNTY

By Gene Smith
Chairman

By Thompt. Green
Commissioner

By Dale M. Holt
Commissioner

ORANGE TOWNSHIP SUPERVISORS

COLUMBIA COUNTY

R. D. 2

ORANGEVILLE, PENNSYLVANIA 17859

September 11, 1990

Lycoming County Commissioners
48 West Third Street
Williamsport, PA 17701

RE: Solid Waste Contract Agreement

Dear Commissioners;

The Orange Township Supervisors voted unanimously to extend the current Solid Waste Agreement held with your County until January 1, 2001. The enclosed signed Admendment is being returned for your final approval.

We understand that this Amendment will assure our Orange Township compliance with Act 101 which requires municipalities to have a 10-year assurance for waste disposal.

Please return a completed copy of such for our files. Your consideration to this matter will be greatly appreciated.

Sincerely,



Suzanne Moore,
Secretary-Treasurer
Orange Township
Supervisors

RECEIVED

SEP 13 1990

SOLID WASTE DEPT.