

**FISHINGCREEK TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 1-93**

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 Fishingcreek (hereinafter referred to as the "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, 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 collector's 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 collector's 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 the 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 accordance 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 the 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 at 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 the Township as its place of origin, 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 Lycoming'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 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 to the County of Lycoming or to collectors and/or haulers of municipal solid waste subject to the provisions of this Ordinance.

11. Insofar as the provisions of this Ordinance are inconsistent with the provisions of any other ordinance of the Township, the provisions of this Ordinance shall be controlling.

12. This Ordinance shall be in full force and effect at the earliest time permissible by law 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 AND ORDAINED by the Fishingcreek Township Board
of Supervisors this 2nd day of June, 1993

THE BOARD OF SUPERVISORS
OF FISHINGCREEK TOWNSHIP

BY: FRED CLEAVER
DONALD L. DERR
LYNN POSEY

ATTEST:

Jean A. Deitterick

SECRETARY