

ORDINANCE 222

AN ORDINANCE AUTHORIZING AND EMPOWERING THE BOROUGH OF ALBURTIS TO JOIN WITH OTHER LEHIGH COUNTY MUNICIPALITIES FOR THE PURPOSE OF DESIGNATING THE COUNTY OF LEHIGH AS THE COORDINATING AGENCY FOR THE ESTABLISHMENT OF A LEHIGH COUNTY SOLID WASTE ASSOCIATION TO BE ESTABLISHED TO COMPLETE AND IMPLEMENT THE SOLID WASTE MANAGEMENT PLAN PREPARED BY THE JOINT PLANNING COMMISSION, LEHIGH-NORTHAMPTON COUNTIES, SEPTEMBER 1982.

WHEREAS, Act No. 1980 - 97, 35 P.S. Section 6018.101 et seq. (known as the Solid Waste Management Act) provides that each municipality shall be responsible for the collection, transportation, processing, and disposal of municipal waste which is generated or present within its boundaries and shall be responsible for implementing its approved plan as it relates to the storage, collection, transportation, processing, and disposal of its municipal wastes; and

WHEREAS, under Article IX, Section 5 of the Pennsylvania Constitution and the Act of July 12, 1972, Pamphlet Law 762, No. 180, 53 P.S. Section 481 et seq., municipalities are given the broadest possible authority to cooperate with other governmental units in the exercise of any function so that what a municipality may do on its own, it may do in concert with other governmental units; and

WHEREAS, under the Solid Waste Management Act, Section 6018.202, municipalities are given specific authority to contract with other municipalities to carry out the responsibilities as aforementioned; and

WHEREAS, the 1982 update to the Joint Planning Commission Solid Waste Management Plan has been completed by the Joint Planning Commission, and makes recommendations for landfill sites and resource recovery actions; and

WHEREAS, the County of Lehigh can be designated as the coordinating agency on behalf of the municipalities within Lehigh County; and

WHEREAS, there is a need for additional landfill capacity in Lehigh County; and

WHEREAS, local municipalities must evidence their commitment to the next step of the Solid Waste Management Plan, that being the preliminary engineering study of the Joint Planning Commission recommended sites; and

WHEREAS, should the proposed Joint Planning Commission landfill sites not meet the preliminary engineering specifications, alternative sites will be explored and appropriate action will be taken by participating municipalities; and

WHEREAS, further evaluations of resource recovery should be undertaken by participating municipalities in accordance with the Joint Planning Commission study; and

WHEREAS, Lehigh County will match the financial commitment of the other participating municipalities on a one to one basis upon approval of a companion ordinance adopted by the Lehigh County Board of Commissioners.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL FOR THE BOROUGH OF ALBURTIS AS FOLLOWS:

1. The Borough of Alburttis is hereby empowered to enter into agreements with other municipalities and public bodies in Lehigh County for the purpose of the formation of the Lehigh County Solid Waste Association and the completion and implementation of a Solid Waste Management Plan for Lehigh County in accordance with the following general terms:

a. The Borough of Alburttis commits itself to participation as an active member in the Lehigh County Solid Waste Association.

b. The Borough of Alburttis designates Lehigh County as coordinating agency for the completion and implementation of the Joint Planning Commission, Lehigh-Northampton Counties, Solid Waste Management Plan.

c. The Borough of Alburttis will join with other participating municipalities in the establishment of a budget and other related fiscal activities necessary to the establishment of a Solid Waste Management Plan for Lehigh County.

d. The Borough of Alburttis agrees to share in the costs of the planning process on a percapita basis to a maximum of thirty cents (30¢) per resident.

e. The Borough of Alburttis agrees to designate one individual to represent its interests on the Lehigh County Solid Waste Association.

f. The Lehigh County Waste Association shall be established by the County of Lehigh only upon the commitment of a majority of Lehigh County municipalities, inclusive of the City of Allentown, to participate in such organization.

g. The Lehigh County Solid Waste Association shall be organized only after the participation of the County of Lehigh as evidenced by an ordinance adopted by the Lehigh County Board of Commissioners inclusive of a financial commitment, from year to year, matching that of the participating municipalities.

2. Such further action as may be required of the Borough of Alburttis from time to time by the terms of this ordinance shall be by document bearing the signature of a Borough officer or designee, upon authorization of the Borough Council.

ORDAINED AND ENACTED the 29th day of December, 1982.

BOROUGH OF ALBURTIS

Carlton R. Davis

 President of Council

ATTEST:

Joyce Schradler

 Borough Secretary

APPROVED the 29th day of December, 1982.

Charles H. ...

 Mayor