

ORDINANCE NO. 767

MIDDLETOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE MIDDLETOWN TOWNSHIP CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA, CHAPTER 192, SOLID WASTE, ARTICLE II, MUNICIPAL SOLID WASTE DISPOSAL, SECTION 192-16 BY DELETING THE EXISTING PART C AND REPLACING IT WITH A NEW PART C TO AUTHORIZE A NEW CONTRACT PERIOD OF 25 YEARS, COMMENCING ON JANUARY 1, 2017, BETWEEN THE DELAWARE COUNTY SOLID WASTE AUTHORITY (SWA), A PENNSYLVANIA MUNICIPAL AUTHORITY, AND MIDDLETOWN TOWNSHIP (MUNICIPALITY), AND SECTION 192-17 BY ADDING A NEW PART G REAFFIRMING ALL OTHER PROVISIONS, TERMS AND CONDITIONS OF THE 1987 ORDINANCE.

WHEREAS, SWA and Municipality desire to amend certain provisions of the 1987 Ordinance and agree hereby to do so, and

WHEREAS, the parties hereto desire to reaffirm all other provisions of the 1987 Ordinance not specifically amended hereby.

NOW, THEREFORE, with the foregoing recitals made part hereof and incorporated herein, the parties hereto, intending to be legally bound, hereby agree as follows:

Section 1.

The Middletown Township Code of Ordinances, CHAPTER 192, SOLID WASTE, ARTICLE II, MUNICIPAL SOLID WASTE DISPOSAL; SECTION 192-16.C. shall be deleted in its entirety and replaced by the following:

- C. The term of this Agreement shall be for a period of twenty five (25) years, and said term shall commence on January 1, 2017. The municipality, at its option, may terminate this agreement with 30 days' written notice to the county in the event that the municipality will incur substantial costs over and above the costs generally accepted by the other municipalities in delivering municipal solid waste to the county during the term of this agreement, provided the municipality has first obtained final approval from the Department of Environmental Protection for their own plan under the act, or an approval from the Department for a modification that brings the municipality under another plan that has already obtained final approval. It is understood, however, that (upon any such termination of this agreement by the municipality) the County, the Authority, and/or the county's contractor shall be relieved of any responsibility to accept and dispose of municipal solid waste generated within the municipality. It is further understood that any such termination of this agreement by the municipality shall constitute a repeal, whether express or implied, of Section 192-18 of this article.

Section 2.

The Middletown Township Code of Ordinances, CHAPTER 192, SOLID WASTE, ARTICLE II, MUNICIPAL SOLID WASTE DISPOSAL, SECTION 192-17 shall have a new part G as follows:

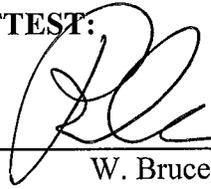
G. All other provisions, terms and conditions of the 1987 Ordinance not specifically amended hereby shall remain in full force and effect. SWA and Municipality hereby reaffirm the 1987 Ordinance as amended hereby.

ENACTED AND ORDAINED by the Council of Middletown Township, Delaware County, Pennsylvania, this *25th* Day of *APRIL*, 2016.

MIDDLETOWN TOWNSHIP COUNCIL

BY: 
Mark Kirchgasser
Council Chairman

ATTEST:



W. Bruce Clark
Township Manager

Delaware County Solid Waste Authority (SWA), intending to be legally bound hereby, agrees to the above amendments set forth in Middletown Township Ordinance No. _____.

Dated: _____

DELAWARE COUNTY SOLID WASTE AUTHORITY

BY: _____
Chairman

ATTEST:

Secretary