

**TOWNSHIP OF RADNOR
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-08

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CERTAIN PROVISIONS OF ORDINANCE 1987-19 AS INCORPORATED IN THE RADNOR TOWNSHIP CODE UNDER ARTICLE I "COUNTY DISPOSAL AGREEMENT," §240-11.C. "JOINT COOPERATION AGREEMENT," SUBSECTION C. TO RENEW ITS AGREEMENT WITH THE COUNTY OF DELAWARE, PENNSYLVANIA FOR REGULATING THE DISPOSAL OF MUNICIPAL SOLID WASTE FROM THE TOWNSHIP SET TO EXPIRE ON APRIL 7, 2017 FOR AN ADDITIONAL TWENTY-FIVE (25) YEARS.

WHEREAS, Delaware County Solid Waste Authority ("SWA") and Radnor Township entered into that certain Ordinance Regulating the Disposal of Municipal Solid Waste from the Municipality; Requiring Disposal at Approved Site; Providing for Licensing of Solid Waste Collectors; Providing for Regulations and Penalties; Entering into a Joint Cooperation Agreement With The County of Delaware, Pennsylvania; and Adopting the Delaware County Solid Waste Management Plan dated July 13, 1987 (the "1987 Ordinance"); and

WHEREAS, SWA and Radnor Township desire to amend certain provisions of the 1987 Ordinance and agree to do so; and

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

The Radnor Township Board of Commissioners does hereby ENACT and ORDAIN, as follows:

SECTION 1. Section 240-11.C. is hereby amended to read as follows:

- C. The term of this agreement shall be for a period of 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 that the municipality has first obtained final approval from the Department of Environmental Protection (DEP) for its 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.

SECTION 2. All references throughout Chapter 240, Solid Waste regarding the Department of Environmental Resources or DER shall be revised to read Department of Environmental Protection or DEP.

SECTION 3. All other provisions, terms and conditions of the 1987 Ordinance not specifically amended shall remain in full force and effect. SWA and Radnor Township hereby reaffirm the 1987 Ordinance as amended hereby.

SECTION 4. REPEALER

All ordinances, parts of ordinances, and amendments thereof which are inconsistent with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, section, subsection, part, or provision of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid clause, sentence, paragraph, section, subsection, part, provision, or part thereof not been included therein.

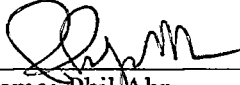
SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.


ENACTED AND ORDAINED this 18 day of July, A.D., 2016.

RADNOR TOWNSHIP

By:


Name: Phil Ahr
Title: President

ATTEST:


Robert A. Zienkowski, Secretary