

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1641

AN ORDINANCE OF THE MUNICIPALITY OF
MONROEVILLE, COUNTY OF ALLEGHENY AND
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ORDINANCE NO. 1610 OF THE MUNICIPALITY
OF MONROEVILLE, SPECIFICALLY EXCLUDING
MUNICIPAL SOLID WASTE LANDFILL OPERATIONS.

WHEREAS, on January 22, 1988, the Municipality of
Monroeville enacted into law Ordinance No. 1610 to provide for
general revenue by imposing a tax pursuant to the Local Tax
Enabling Act of 1965, as amended, upon the privilege of engaging
in garbage, rubbish or solid waste landfill operations as well as
clean fill landfill operations and other landfill operations in
the Municipality of Monroeville; and

WHEREAS, on July 28, 1988, the General Assembly of
Pennsylvania enacted into law Act No. 101 of 1988 a Municipal
Waste Planning, Recycling and Waste Reduction Act; and

WHEREAS, Chapter 13, Section 1301, Subsection D of the
aforesaid Act mandates that Act 101 preempts and supersedes any
tax imposed on each municipal solid waste landfill or resource
recovery facility which was enacted under Act No. 511, the Local
Tax Enabling Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Monroeville, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Section 1 of Ordinance No. 1610 is hereby amended to read as follows:

Section 1. Definitions:

Subparagraph D. The term "Disposable Material" shall include garbage, rubbish, waste material, clean fill, ashes, and any other material used for fill purposes, excluding all material used in municipal solid waste landfill operations.

SECTION 2. Section 2 of Ordinance No. 1610 is hereby amended to read as follows.

Section 2. Imposition of Tax:

A tax for general revenue purposes is hereby levied upon operators for the privilege of engaging in the landfill business, specifically excluding the operators of municipal solid waste, garbage, rubbish landfill operators, within the Municipality of Monroeville at the rate of One Dollar and Fifty Cents (\$1.50) per ton of disposable material brought to the premises of the landfill from a site within or outside of the Commonwealth, from the effective date of this Ordinance during the year 1988, and thereafter, from year to year on a calendar year basis. No person shall engage in such business without complying with all of the provisions of this Ordinance and paying the tax hereby levied.

SECTION 3. Section 6 of Ordinance No. 1610 is hereby amended to read as follows:

Section 6. Exemptions:

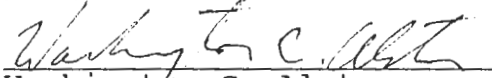
Landfill operations involving the filling of property with clean common earth or rock on a site of one acre or less and containing less than 5000 tons are hereby exempt from the provisions of this Ordinance. However, the Operator must comply with all other Ordinances of the Municipality pertaining to grading or excavation. This Ordinance shall not apply to the movement about of clean earth or rock on any one site or property. Such practices include the terms "balanced out and fill" or "on-site grading," and include special material delivered to a site for building construction, road or pavement construction or utility construction.

All municipal solid waste landfill operations designed, operated or maintained for the disposal of municipal waste and permitted by the Pennsylvania Department of Environmental Resources.


SECTION 4. Any Ordinance or Resolution or part of an Ordinance or Resolution in conflict herewith is hereby repealed.

ORDAINED AND ENACTED into law this 13TH day of SEPTEMBER, 1988.

ATTEST:


Washington C. Alston
Municipal Manager

THE MUNICIPALITY OF MONROEVILLE

By 
Michael P. Lynch
Mayor