

PART 61: ORDINANCE 3

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**SOLID WASTE & INCINERATOR ASH DISPOSAL FEE  
ORDINANCE**

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AN ORDINANCE to establish solid waste disposal impact fees pursuant to Act No. 66 of Public Acts of 1990, as amended; providing for the administration and enforcement thereof; providing for the collection and use of the revenues to be generated thereby; and providing for penalties for violation thereof.

THE TOWNSHIP OF LENOX ORDAINS:

**SECTION 1: Short Title.** This Ordinance shall be known and cited as the "Solid Waste & Incinerator Ash Disposal Fee Ordinance".

**SECTION 2: Definitions.** The words and phrases as used herein shall have the same meanings ascribed to them as set forth in Act No. 641 of Public Acts of 1978, as amended.

**SECTION 3: Solid Waste Impact Fee.** An impact fee of \$0.10 per cubic yard shall be assessed on all solid waste disposed of in any landfill located in Lenox Township which is utilized by the public to dispose of solid waste from 2 or more persons.

**SECTION 4: Incinerator Ash Impact Fee.** An impact fee of \$0.10 per cubic yard shall be assessed on all municipal solid waste incinerator ash disposed of in any landfill located in Lenox Township which is utilized to dispose of municipal solid waste incinerator ash.

**SECTION 5: Landfill Located Within a Village.** The impact fees provided for in this Ordinance in relation to landfills located within a village shall be assessed by Lenox Township in agreement with any such village.

**SECTION 6: Collection and Payment by Owner or Operator of Landfill.** The impact fees imposed by this Ordinance shall be collected by the owner or operator of any such landfill operated in Lenox Township and shall be paid to the Township quarterly by the thirtieth (30th) day after the end of each calendar quarter.

**SECTION 7: Agreements with Owners or Operators of Landfills.** The Township may enter into an agreement with the owner or operator of a landfill to establish a higher impact fee other than provided for in this Ordinance. The impact fees assessed to each landfill under this Ordinance shall be reduced by any amount of revenue paid to or available to the Township from such landfill under the terms of any agreements, conditions, court settlement agreement conditions, and trust in existence on the effective date of this Ordinance.

**SECTION 8: Use of Revenues Collected.** The revenues collected by the Township shall be deposited in the general fund of the Township to be used for any purpose which promotes the public health, safety and welfare of the citizens of the Township. The revenues collected pursuant to this Ordinance shall not be used to bring or support litigation against any owner or operator of any landfill who is collecting and paying to the Township an impact fee pursuant to this Ordinance unless the owner or operator of such landfill has instituted litigation or other legal action against the Township.

**SECTION 9: Penalties.** Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding Five Hundred and 00/100 (\$500.00) Dollars, or by imprisonment in the County jail not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 10: Repeal.** Any and all other Ordinances of the Township of Lenox which are inconsistent herewith are hereby repealed.

**SECTION 11: Severability.** If any section, paragraph, clause or provision of this Ordinance is, for any reason, held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect: any of the remaining provisions of this Ordinance.

**SECTION 12: Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its passage and its first publication.