

ORDINANCE NO. 10 of 2018

**AN ORDINANCE AMENDING SECTION 1(A) OF THE SUNNY DAY FUND
ORDINANCE (ORDINANCE NO. 6 OF 1993) TO ADJUST THE DOLLAR AMOUNT
TO BE DEPOSITED INTO THE SUNNY DAY FUND FROM EACH OF THE
QUARTERLY CHECKS SUBMITTED BY KEYSTONE SANITARY LANDFILL.**

WHEREAS, Throop Borough Council adopted a Sunny Day Fund Ordinance in 1993 for payment of Throop's obligations upon termination of the useful life of the Keystone Sanitary Landfill (KSL); and

WHEREAS, Ordinance No. 6 of 1993 contains a paragraph entitled "Appropriated Funds" Section 1(A) which mandated Throop Council, beginning in 1993, to deposit an amount "up to ten percent (10%)" of fees paid to Throop by KSL for each quarterly check in an amount not to exceed \$200,000.00 for a year in which KSL daily tonnage capacity exceeds 5,000 tons; and

WHEREAS, Throop Borough Council twice amended the amount to be deposited into the Sunny Day Fund as per Section 1(A); in 2011 (Ord. No. 7 of 2011) the amount was amended to a minimum of 10% and maximum of 20%; and in 2015 (Ord. No. 3 of 2015) the amount was amended to a minimum of 10% and maximum of 30% (with no dollar limit) for each quarterly check; and

WHEREAS, Throop Borough Council wants to rescind Ordinance #7 of 2011 and Ordinance #3 of 2015 and revert back to funding the Sunny Day Fund as originally detailed in Ordinance #6 of 1993.

NOW THEREFORE be it ordained by the Council of the Borough of Throop as follows:

1. Ordinance No. 7 of 2011 is hereby rescinded;
2. Ordinance No. 3 of 2015 is hereby rescinded;
3. Throop Council, upon receipt of each KSL quarterly check shall vote on what dollar figure to deposit into the Sunny Day Fund in an amount up to ten percent (10%) of each check and shall not exceed a total yearly deposit of \$200,000.00.
4. When a quorum is present a majority vote of Council present, that is a majority of votes cast, at a meeting when a motion is made to deposit funds into the Sunny Day Fund is sufficient for adoption.

SECTION 1.

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough of Throop reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

SECTION 2.

This ordinance shall become effective immediately upon its enactment.

SECTION 3.


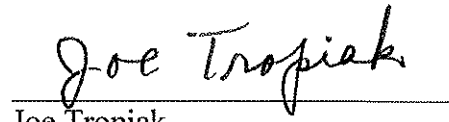
This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Act of the Legislative, as amended, December 12, 1990, P.L. 1994, No. 220, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 11th day of June, 2018.

Attest:



Renee O'Malley
Secretary


Rich Kucharski
Council President
Joe Tropiak
Mayor