

WEDNESDAY, OCTOBER 31, 2018:

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:00 a.m. in the Ceremonial Courtroom with Chairman Randy L. Phiel presiding. Others in attendance: Commissioner Marty Karsteter Qually; Molly R. Mudd, Solicitor; Steve Renner, Controller; Beth Cissel, Deputy Controller; Crissy Redding, Treasurer; Daryl Crum, Tax Services Director; Melissa Devlin, Finance Director; Phil Swope, Staff Accountant; Todd Garrett, Staff Accountant; Michele Miller, HR Director; Sherri Clayton-Williams, Planning Director; Bicky Redman, Senior Planner; Warren Bladen, Department of Emergency Services Director; Robin Fitzpatrick, President Adams Economic Alliance; Dave Bolton; News Reporter Vanessa Pellechio, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

Pledge of Allegiance

Minutes:

Mr. Qually moved, seconded by Mr. Phiel, to approve the Minutes of the October 24, 2018 Commissioners' Meeting as presented.

Motion carried.

Executive Session:

Board Chairman Phiel noted an Executive Session will be called at the discretion of the Board of Commissioners to discuss attorney client/personnel issues.

Public Comment:

No Public Comment was brought before the Board at this time.

Commissioners Department:

- Mr. Qually moved, seconded by Mr. Phiel, to adopt Ordinance No. 4 of 2018 – An Ordinance of the Board of Commissioners of the County of Adams, Pennsylvania, for the purpose of authorizing the granting of tax exemption relief for certain new construction and improvements for designated deteriorated properties within the Borough of Gettysburg, pursuant to the Local Economic Revitalization Tax Assistance Act, establishing a maximum exemption amount and exemption schedules, and providing a procedure for securing an exemption as follows:

ORDINANCE NO. 4 OF 2018

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, PENNSYLVANIA, FOR THE PURPOSE OF AUTHORIZING THE GRANTING OF TAX EXEMPTION RELIEF FOR CERTAIN NEW CONSTRUCTION AND IMPROVEMENTS FOR DESIGNATED DETERIORATED PROPERTIES WITHIN THE BOROUGH OF GETTYSBURG, PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, ESTABLISHING A MAXIMUM EXEMPTION AMOUNT AND EXEMPTION SCHEDULES, AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION.

WHEREAS, the County of Adams is a fifth class county of the Commonwealth of Pennsylvania ("County"), and a "taxing authority," as that term is defined in the Local Economic Revitalization Tax Assistance Act, Act 76 of 1977, P.L. 237, codified at 72 P.S. § 4722 - 4727, (hereafter "LERTA," or the "LERTA Act"), specifically in the definitional section at 72 P.S. § 4724; and

WHEREAS, the County, as a taxing authority, may provide tax exemption relief for the assessed valuation of improvements made to deteriorated properties, and the assessed valuation of new construction in certain designated deteriorated areas, pursuant to the LERTA Act; and

WHEREAS, pursuant to the requirements of the LERTA Act, on August 14, 2017, the Borough Council of the Borough of Gettysburg (hereafter "Borough Council") held a public hearing for the purposes of receiving a recommendation from the Gettysburg Borough Planning Commission and receiving public comment relative to the matter of the determination of the boundaries of a deteriorated area or areas within the Borough of Gettysburg ("Borough") and the County; and

WHEREAS, consistent with the recommendations and comments presented at the August 14, 2017 public hearing, the Borough Council adopted Resolution No. 091117-2 at a duly advertised general monthly business meeting held September 11, 2017, for the purposes of determining and affixing the boundaries of a deteriorated area within the Borough and the County, which deteriorated area meets the criteria of a deteriorated area and deteriorated properties as set forth in the LERTA Act; and

WHEREAS, said deteriorated area contains real properties within the Borough of Gettysburg and within the County that would benefit from a financial incentive in the form of real property tax exemption relief in order to encourage new industrial, commercial and business development and redevelopment of the designated deteriorated properties comprising the designated deteriorated area.

NOW, THEREFORE, with the foregoing incorporated herein and made an essential part hereof, be it **ENACTED AND ORDAINED** by the County, by the Adams County Board of Commissioners, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following words and phrases shall have the meanings set forth below:

A. "Assessed Valuation" means the assessment placed on real property by the Adams County Assessment Office upon which all real estate tax shall be calculated.

B. "Borough" means the Borough of Gettysburg.

C. "County" means the County of Adams.

D. "GASD" means the Gettysburg Area School District.

E. "Deteriorated Property" means any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorating area, as determined by the Borough and as provided for herein, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

F. "Improvement" means repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity; or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

G. "Local taxing authority" means the Borough of Gettysburg, the Gettysburg Area School District, the County of Adams, or any other governmental entity having the authority to levy real property taxes within the Borough of Gettysburg.

H. "Non-residential Use" means the use, as permitted by the applicable zoning provisions, of a building or structure for commercial, industrial, or manufacturing purposes, or any other activity that is done to further either the development, manufacturing, or distribution of goods and services, including, but not limited to, administration of business activities, research and development, warehousing, shipping, transport, remanufacturing, stockpiling of raw materials, storage, and repair and maintenance of commercial machinery and equipment. This term shall not include schools, nursing homes, or other residential-style facilities or recreational areas.

I. "Occupiable Building Square Footage" means the unit of measurement of an enclosed space which is designed for occupancy of either the residential or non-residential use and available for use by an occupant. This term shall not include parking areas, outdoor common areas, interior common areas such as lobbies, hallways, shared restrooms that are available for non-residential and residential uses. Nor shall it include space in the building which is devoted to its operations and maintenance, including gear rooms, storage rooms, and equipment rooms. Occupiable Building Square Footage is generally measured from "paint to paint" inside the permanent walls and to the middle of partitions separating one user's space from that of other users on the same floor.

J. "Tax Delinquency" means any Borough, County or GASD taxes, and interest and penalties thereon, which are delinquent as defined in the Real Estate Tax Sale Law (72 PS §5860.1 *et seq.*), *i.e.*, taxes, interest and penalties thereon which remain unpaid in full by December 31 of any calendar year in which the tax is levied against the property for which an exemption is claimed, or after an exemption is granted, during the term of the exemption.

K. "Taxpayer" means any natural person, firm, partnership, association, corporation, limited liability company, company, or any other organization of any kind paying property taxes on properties located in the Eligible Area identified in Section 2 of this Ordinance.

SECTION 2. ELIGIBLE AREA.

A. By Gettysburg Borough Council Resolution No. 091117-2, adopted on September 11, 2017, the Borough Council of the Borough of Gettysburg determined and affixed the boundaries of the deteriorated area as those real properties designated and identified in the ROR - Residential Office Redevelopment District, as established and shown on the Official Zoning Map of the Borough of Gettysburg, adopted as part of the Gettysburg Borough Zoning Ordinance, Ordinance No. 1352-08, which was enacted by the Borough Council on May 5, 2008.

B. The six (6) real properties that comprise the deteriorated area are identified and designated as follows: 1. Adams County Tax Parcel ID No. 16007-0109---000 (103 Carlisle Street); (2) Adams County Tax Parcel ID No. 16007-0125A---000 (102 North Stratton Street); 3. Adams County Tax Parcel ID No. 16007-0125---000 (108 North Stratton Street); 4. Adams County Tax Parcel ID No. 16007-0126---000 (North Stratton Street); 5. Adams County Tax Parcel ID No. 16007-0141--000 (151 North Stratton Street); and 6. Adams County Tax Parcel ID No. 16007-0140---000 (153 North Stratton Street). The boundaries of the herein designated deteriorated area and the location of each parcel of deteriorated real property are identified and shown on Exhibit "A" which is attached hereto and is incorporated herein by reference.

SECTION 3. EXEMPTION AMOUNT.

A. The amount to be exempt from County real estate taxes shall be limited to that portion of the additional assessment valuation attributable to the actual cost of new construction, or improvements to the deteriorated property, in accordance with the exemption schedule established by this Ordinance.

B. The exemption from County real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this Ordinance and for which a separate assessment has been made by the Adams County Tax Services Department or Adams County Board of Assessment Appeals.

SECTION 4. EXEMPTION SCHEDULES.

The percentage of the assessed valuation of the eligible Improvements to be exempted where the approved land development plan provides for a **Fifty (50%) percent** of the total occupiable building square footage to be developed or redeveloped as nonresidential use and a minimum of twenty-five percent (25%) of the total occupiable building square footage to be developed or redeveloped as residential use where the construction cost of the Improvements exceeds one million dollars (\$1,000,000) shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage</u>
1	100%
2	100%
3	90%
4	90%
5	80%
6	80%
7	70%
8	70%
9	60%
10	60%

A. The exemption from real property taxes shall terminate following the tenth year, and the eligible tax exemption shall not exceed a total of ten (10) years.

B. The exemption from real property taxes granted under this Ordinance shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

C. The exemption shall not be granted, and if granted, the exemption shall be revoked, if at the time of application for exemption or during the exemption period, there exists any Tax Delinquency with respect to the Property for which the exemption was granted.

D. In the event of reassessment by the County, the tax exemption shall be proportionally applied to any new assessment so long as the tax abatement period for the property in question has not expired. This application is to ensure that each Deteriorated Property that is granted a tax exemption receives the same percentage of tax benefits before and after any County-wide reassessment.

SECTION 5. ROLLBACK OF EXEMPTION

If an eligible property is granted a tax exemption by meeting the total occupiable building square footage requirement pursuant to this Ordinance and subsequently changes the status of the use of the property to an

occupiable building square footage use that no longer satisfies such requirement, the eligible property shall be subject to rollback taxes at 6% interest per year of the exempt Assessed Valuation. The rollback tax is the difference in tax based upon the exempt Assessed Valuation under this Ordinance versus the assessed valuation if the property had not been granted a tax exemption, plus 6% simple interest on that difference per year. In addition, the property subject to the rollback shall no longer be eligible for a tax exemption.

SECTION 6. NOTICE TO TAXPAYERS.

The following notice shall be placed on the County's application form for land use and building permits:

"Notice to Taxpayer"

Under the provisions of an applicable Ordinance of the County of Adams, you may be entitled to a real estate tax exemption on your contemplated new construction or improvement. An application for exemption may be obtained from the County of Adams, Office of Planning and Historic Preservation and must be filed with County of Adams at the time that the building permit is secured.

SECTION 7. PROCEDURE FOR OBTAINING EXEMPTION.

A. At the time that a building permit is secured for the new construction or improvement for which an exemption is requested, the Taxpayer shall apply to the Adams County Assessment Office for the tax exemption provided in this Ordinance and the corresponding Ordinances. The request for the exemption must be in writing on a form provided by the Assessment Office setting forth, at a minimum, the following information:

- (1) The name and address of the property owner;
- (2) The Adams County Tax Parcel Identification Number of the property;
- (3) The initial assessed valuation of the property;
- (4) The current year real estate taxes on the property;
- (5) The date the building permit was issued for said new construction or improvement;
- (6) The type of new construction or improvement;
- (7) A summary of the plan of the new construction or improvement;
- (8) The anticipated date of completion;
- (9) The cost of the new construction or improvement; and
- (10) Any or all such additional information that County of Adams may require.

B. Rules and Regulations. The Assessment Office may adopt rules and regulations, as it deems appropriate, including, but not limited to establishing application requirements, compliance criteria, and other rules and regulations that are consistent with the purpose and intent of this Ordinance.

C. Along with the Taxpayer's request for exemption, the Taxpayer must also sign an agreement, in a form, established by the Assessment Office, acknowledging and agreeing that the Applicant understands and agrees that at all times during the exemption period the Applicant must abide by the terms of this Ordinance and the property shall conform to the requirements of the Ordinance in order to maintain the exemption.

D. Upon completion of the new construction or improvement, the Taxpayer shall notify the Assessment Office in writing so that the Assessment Office may assess the new construction or improvement separately for the purpose of calculating the amounts of Assessed Valuation eligible for tax exemption in accordance with the limits established by this Ordinance. Such notice must occur no later than 30 days following the issuance of all necessary occupancy permit(s) for the property. Failure to submit notice of completion within 30 days may result in the denial of the exemption for the initial tax year after completion of the improvement(s). The notice of completion shall include, at a minimum, the following information:

- (1) Name and address of the property owner;
- (2) The Adams County Tax Parcel Identification Number of the property for which the exemption is sought;
- (3) The date that the new construction or improvement was completed;
- (4) Any modification to the plan of construction or improvement as previously submitted; and
- (5) The final, adjusted actual costs of new construction or improvement.

E. The Assessment Office will then establish the Assessed Valuation eligible for exemption and the start date for the new assessment exemption and will notify the Applicant, the County, and the GASD.

SECTION 8. APPEALS. Appeals from the reassessment and the determination of the amounts of Assessed Valuation eligible for exemption may be filed with the Adams County Board of Assessment Appeals.

SECTION 9. TERMINATION DATE. Unless otherwise repealed by the Board of Commissioners of County of Adams, this Ordinance shall expire and terminate on December 31, 2028. Nothing contained herein shall act to prohibit the County from enacting a similar Ordinance, or extending this Ordinance. Any property tax exemption granted under the provisions of this Ordinance shall continue according to the exemption schedule found in this Ordinance even if this Ordinance expires, terminates, is amended or repealed by the Board of Commissioners of County of Adams.

SECTION 10. REVOCATION OF EXEMPTION. The exemption from real estate taxes provided for herein shall be forfeited by the applicant or any subsequent owner of the property for the failure to pay any nonexempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. Upon receipt of a notice of nonpayment of nonexempt real estate taxes, the exemption shall be discontinued.

SECTION 11. SEVERABILITY. The provisions of this Ordinance are severable, and if any section, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections,

sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of County of Adams that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 12: REPEALER. All Ordinances, or parts of Ordinances, conflicting with this Ordinance shall be and the same are hereby repealed insofar as the same affect this Ordinance.

SECTION 13: CONTINGENCY. This Ordinance is contingent upon the enactment or adoption of ordinances or Ordinances by both the School District and the Borough which apply to the subject matter of this Ordinance.

SECTION 14: EFFECTIVE DATE. This Ordinance shall take effect after enactment and upon the satisfaction of the conditions set forth in Section 13.

ENACTED AND ORDAINED this 31st day of October 2018.

ATTEST:

ADAMS COUNTY COMMISSIONERS

_____/s/_____
Paula V. Neiman, Chief Clerk

_____/s/_____
Randy L. Phiel, Chairman

_____/s/_____
James E. Martin, Vice Chairman

_____/s/_____
Marty Karsteter Qually, Commissioner

Motion carried.

Robin Fitzpatrick, President of the Adams Economic Alliance thanked the Board for their work and assistance on this project.

- Mr. Qually moved, seconded by Mr. Phiel, to adopt Ordinance No. 5 of 2018 – An Ordinance of the County of Adams, Pennsylvania, establishing a Solid Waste Hauler Registration Program, and a Litter Control Program, with both to be administered by the Adams County Office of Planning & Development, to apply to all persons that collect and transport municipal solid waste, recyclables and sewage sludge generated from sources located within Adams County; providing waste flow control requirements to direct waste to designated disposal and/or processing facilities; and providing penalties for violation of this Ordinance. Ordinance is as follows:

**COUNTY OF ADAMS MUNICIPAL SOLID WASTE,
RECYCLING, LITTERING AND SEWAGE SLUDGE
TRANSPORTERS ORDINANCE**

ORDINANCE NO. 5 of 2018

COUNTY OF ADAMS, PENNSYLVANIA

AN ORDINANCE OF THE COUNTY OF ADAMS, PENNSYLVANIA, ESTABLISHING A SOLID WASTE HAULER REGISTRATION PROGRAM, AND A LITTER CONTROL PROGRAM, WITH BOTH TO BE ADMINISTERED BY THE ADAMS COUNTY OFFICE OF PLANNING AND DEVELOPMENT, TO APPLY TO ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL SOLID WASTE, RECYCLABLES AND SEWAGE SLUDGE GENERATED FROM SOURCES LOCATED WITHIN ADAMS COUNTY; PROVIDING WASTE FLOW CONTROL REQUIREMENTS TO DIRECT WASTE TO DESIGNATED DISPOSAL AND / OR PROCESSING FACILITIES; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, as amended, codified at 53 P.S. § 4000.101, *et seq.* requires that counties accept responsibilities related to solid waste, including the preparation and implementation of a Municipal Solid Waste Management Plan (“Plan”), that provides for the Disposal and Processing of the Municipal Solid Waste generated within their boundaries for at least a ten-year period, and ensuring maximum feasible waste reduction and recycling of Municipal Solid Waste or Source-Separated Recyclable Material; and

WHEREAS, it is the position of the Pennsylvania Department of Environmental Protection (“DEP”) that counties can implement a waste flow control mechanism ensuring that the Municipal Solid Waste generated within the County is disposed at the disposal and processing facilities designated in the County Plan; and

WHEREAS, the County of Adams (“County”) has implemented waste flow control to Designated Municipal Solid Waste Disposal and Processing Facilities in all of its Plan revisions and updates, and intends to do so in this current Plan update; and

WHEREAS, the County has determined that illegal dumping and burning of solid waste in the County is an ongoing problem that has many negative impacts, including causing a threat to surface water and groundwater, creating uncontrolled litter, producing air pollution and noxious odors and diminished scenic views and enjoyment, and establishing habitat for public health vectors, and that such dumping and burning can be lessened through monitoring of waste loads smaller than those regulated by the Waste Transportation Safety Act, Act 90 of 2002, codified at 27 Pa. C.S. § 6201 – 6209; and

WHEREAS, litter is an ongoing problem in the County, with plastics and other non-biodegradable materials as well as paper, cardboard, metals, and other items causing local and downstream environmental problems, necessitating a need for a litter control program; and

WHEREAS, the County has the power and duty to adopt ordinances deemed necessary to implement the Plan and its revisions and updates, such power and authority vested in the County responsibilities contained in Section 303 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, codified at 53 P.S. § 4000.101 – 4000.1904, with Section 303 existing at 53 P.S. § 4000.303, and including requirements that all Persons must register to collect and transport Municipal Solid Waste subject to the Plan to a Municipal Solid Waste Disposal and/or Processing Facility designated by the County, per 53 P.S. § 4000.303(a).

NOW THEREFORE, be it **ENACTED AND ORDAINED** by the Commissioners of the County of Adams, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

SECTION I – SHORT TITLE

This Ordinance shall be known and referred to as the “Adams County Municipal Solid Waste, Recycling, Littering, and Sewage Sludge Transporters Ordinance.”

SECTION II – INCORPORATION

The foregoing recitals are incorporated herein to this Ordinance, and made an essential part hereof.

SECTION III – DEFINITIONS

The following words and phrases as used in this Ordinance shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

Act 90 – The Pennsylvania Waste Transportation Safety Act (Act 202 of 1990, P.L. 596, codified at 27 Pa. C.S. § 6201 – 6209).

Act 97 – The Solid Waste Management Act (Act 97 of 1980, P.L. 380, codified at 35 P.S. § 6018.101 – 6018.1003).

Act 101 – The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988, P.L. 556, codified at 53 P.S. § 4000.101 – 4000.1904).

Air Pollution Control Act – The Act of January 8, 1960, P.L. 2119, as amended.

Commercial Establishment – Any establishment engaged in non-manufacturing or non-processing business, including, but not limited to stores, markets, offices, restaurants, shopping centers, and theaters.

Composting – The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Composting Facility – A facility using land for processing of Municipal Solid Waste by Composting. The term includes land affected during the lifetime of the operations, including, but not limited to: areas where Composting occurs; support facilities; borrow areas; offices; equipment sheds; air and water pollution control and treatment systems; access roads; associated onsite or contiguous collection structures or systems; Transportation and storage facilities; closure and post-closure treatment and maintenance activities; other activities where the natural land surface has been disturbed as a result of, or incidental to, operation of the facility. The term does not include a facility for Composting residential municipal waste that is located at the site where the waste was generated.

Construction/Demolition Waste – Municipal Solid Waste resulting from the construction or demolition of buildings and other structures; including, but not limited to wood, plaster, metals, asphaltic substances, bricks, block, and unsegregated concrete. Construction/Demolition Waste is managed as Municipal Solid Waste. The term does not include the following if they are separate from other waste and are used as clean fill:

- (i) Uncontaminated soil, rock, stone, gravel, brick and block, concrete, and used asphalt.
- (ii) Waste from land clearing, grubbing and excavation, including trees, brush stumps, vegetated material.

County – The County of Adams, or any agency or department designated as the County’s representative for the purposes of this Ordinance. The term, in context, can also refer to the geographic limits of the area in south central Pennsylvania, comprising approximately 522 square miles, situated along and to the north of the Mason – Dixon line, to the west of York County, Pennsylvania, to the east of Franklin County, Pennsylvania, south of Cumberland County, Pennsylvania, and north of both Frederick County, Maryland, and Carroll County, Maryland.

County Authorization – A written approval, document, sticker, or other formal acknowledgement, issued by the County of Adams to any transporter of Municipal Solid Waste, Recyclables and Sewage Sludge that is not required by Act 90 to obtain Pennsylvania Waste Transportation Authorization, and which transports Municipal Solid Waste in any part of the County.

County Registered Transporter – Any person, firm, partnership, corporation, public agency, or legally organized entity, that is engaged in the business, whether as a primary undertaking or secondary to some other venture (such as construction or remodeling), of collection and/or Transportation of Municipal Solid Waste, Recyclables and Sewage Sludge and is currently registered with the County pursuant to this Ordinance.

Department, or DEP – The Pennsylvania Department of Environmental Protection.

Designated Disposal Site – A facility contracted by the County to receive municipal solid waste, construction/demolition and sewage sludge waste.

Designated Municipal Solid Waste Disposal or Processing Facility – A Municipal Solid Waste Disposal or Processing Facility or Facilities, which have entered into a Municipal Solid Waste Disposal Capacity Agreement with Adams County and are designated in the Adams County Municipal Solid Waste Management Plan for the receipt and processing or disposal of Adams County Municipal Solid Waste. Transfer Stations shall be separately regulated under the Adams County Municipal Waste Disposal or Processing Transfer Station Agreement.

Disposal – The deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters into the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Food Processing Residual Waste – An incidental organic material generated by processing agricultural commodities for human or animal consumption. The term includes food residuals, food coproducts, food processing wastes, food processing sewage sludge, and any other incidental material whose characteristics are derived from processing agricultural products.

Industrial Establishment – Any establishment engaged in manufacturing, production or processing activities; including, but not limited to factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

Institutional Establishment – Any establishment or facility engaged in providing services to persons, as contrasted to an Industrial Establishment, including, but not limited to, hospitals, nursing homes, schools and universities.

Leaf/Yard Waste – Leaves, garden residues, shrubbery and tree trimmings, grass clippings, and similar material. Leaf/Yard Waste does not include Food Processing Residual Waste.

Littering – The act, whether active or passive, of the spreading or releasing of any portion or amount of Municipal Solid Waste from a vehicle authorized to transport Municipal Solid Waste, such that the spread or released portion of Municipal Solid Waste is placed on the roadbed or real property of another, where the roadbed or real property was not designated to receive such Municipal Solid Waste, and where the vehicle operator, passenger, or company operating the vehicle did not promptly collect all of the spread or released Municipal Solid Waste. It is understood that this term refers to the loss of garbage as provided for under the Pennsylvania Vehicle Code at 75 Pa. C.S. § 4903, the depositing of waste as provided for under the Vehicle Code at 75 Pa. C.S. § 3709; and also embraces the concept contained in Scattering Rubbish, as that crime is defined in Title 18 of Pennsylvania Consolidated Statutes at 18 Pa. C.S. § 6501. Such spread or released Municipal Solid Waste may also be referred to as “litter.”

Marketed – The transfer of ownership of recyclable materials for the purpose of recycling the materials into a new product or use.

Municipality – Any local municipal government within Adams County. The term includes any city, borough, township, county, or an authority created by any of the foregoing.

Municipal Solid Waste – Any garbage, refuse, industrial lunchroom or office waste; and other material including solid, liquid, semisolid, or contained liquid or gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under The Solid Waste Management Act (Act 97) from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. Food Processing Residual Waste which can be beneficially used in normal farming operations meets the definition of residual waste and is not a Municipal Solid Waste. The term does not include any source-separated recyclable materials. For the purposes of this Ordinance, the term “Municipal Solid Waste” shall include all types

of Municipal Solid Waste, except infectious and chemotherapeutic waste, since all haulers of infectious and chemotherapeutic waste are licensed and / or regulated by the DEP under special regulations.

Municipal Solid Waste Disposal Capacity Agreement – an agreement or contract by and between Adams County and a Designated Municipal Solid Waste Disposal or Processing Facility (herein defined) for the final disposal of Municipal Solid Waste in accordance with Act 101.

Municipal Solid Waste Disposal or Processing Facility – A facility using land for disposing or processing of Municipal Solid Waste. The facility includes land affected during the lifetime of operations; including, but not limited to areas where Disposal or Processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, Transportation and storage facilities, closure, post-closure care, maintenance activities, and other activities in which the natural land surface has been disturbed as a result of, or incidental to, operation of the facility.

Municipal Solid Waste Disposal or Processing Transfer Station Agreement – an agreement or contract by and between Adams County and a Transfer Station requiring all municipal solid waste, inclusive of construction/demolition and sewage sludge waste generated within Adams County to be disposed of or processed at Designated Municipal Solid Waste Disposal or Processing Facilities.

Municipal Solid Waste Landfill - A facility using land for disposing of Municipal Solid Waste. The facility includes land affected during the lifetime of operations; including but not limited to, areas where Disposal or Processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, Transportation and storage facilities, closure and post-closure care, maintenance activities, and other activities in which the natural land surface has been disturbed as a result of, or incidental to, operation of the facility. The term does not include a Construction/Demolition Waste landfill or a facility for the land application of Sewage Sludge.

Municipal Solid Waste Management Plan (“Plan”) - A comprehensive plan for an adequate Municipal Solid Waste management system, developed in accordance with 25 Pa. Code § 272.201 – 272.261, Subchapter C (relating to municipal waste planning).

Pennsylvania Waste Transportation Authorization – A grant of authority issued to Municipal Solid Waste and residual waste transporters under the waste transportation safety program established by Act 90, and specified at 27 Pa. C.S. § 6204.

Person – Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Municipality, state institution and agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, penalty, or imprisonment, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plan Revision – A change that affects the contents, terms, or conditions of a Department-approved Municipal Solid Waste Management Plan under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101), and 25 Pa. Code § 272.201, et seq.

Recyclables – All metals, glass, paper, leaf waste, plastics, and other materials which would otherwise be disposed or processed as Municipal Solid Waste that are collected, separated, or recovered for sale, reprocessing or reuse.

Recycling – The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics, and other materials which would otherwise be disposed or processed as Municipal Solid Waste; or the mechanized separation and treatment of Municipal Solid Waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Recycling Facility – A facility employing a technology that is a process that separates or classifies Municipal Solid Waste, and creates or recovers reusable materials that can be sold to, or reused by, a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include Transfer Facilities, Municipal Solid Waste Disposal or Processing Facilities, Composting Facilities, or Resource Recovery Facilities.

Resource Recovery Facility:

- (i) A processing facility that provides for the extraction and utilization of materials or energy from Municipal Solid Waste.
- (ii) The term includes a facility that mechanically extracts materials from Municipal Solid Waste, a combustion facility that converts the organic fraction of Municipal Solid Waste to usable energy, and a chemical and biological process that converts Municipal Solid Waste into a fuel product.
- (iii) The term includes a facility for the combustion of Municipal Solid Waste that is generated offsite, whether or not the facility is operated to recover energy.
- (iv) The term includes land affected during the lifetime of operations; including but not limited to, areas where processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, Transportation and storage facilities, closure and post-closure care, maintenance activities, and other activities in which the natural land surface has been disturbed as a result of, or incidental to, operation of the facility.
- (v) The term does not include:
 - a. A Composting Facility.
 - b. Methane gas extraction from a Municipal Solid Waste Landfill.

- c. A separation and collection center, drop-off point, or collection center for Recycling, or a source separation or collection center for composting Leaf / Yard Waste.
- d. A facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

Sewage Sludge – Liquid or solid sludge and other residues (domestic in nature) from sewage collection and treatment systems; and liquid or solid sludge and other residues from septic and holding tanks from commercial, institutional, municipal, residential establishments. The term includes materials derived from Sewage Sludge. The term does not include ash generated during the firing of Sewage Sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings, and non-organic objects from septic and holding tanks and food residuals, food coproducts, food processing wastes, food processing sludge, Food Processing Residual Waste and any other incidental material whose characteristics are derived primarily from processing agricultural products.

Source-Separated Recyclable Materials – Materials that are separated from Municipal Solid Waste at the point of origin or generation for the purpose of Recycling.

Storage – The containment of any Municipal Solid Waste on a temporary basis in such a manner as not to constitute Disposal of such waste. It shall be presumed that the containment of any Municipal Solid Waste in excess of one year constitutes Disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Street – A strip of land, including the roadbed and entire right-of-way, intended for use as a means of vehicular and pedestrian movement or circulation; including any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any and all other surfaces and ways used, or intended to be used, by automotive and other vehicular traffic or pedestrians, whether public or private.

Transfer Station Facility – A facility which receives and processes, or temporarily stores, Municipal Solid Waste or residual waste at a location other than the generation site, and which facilitates the Transportation or transfer of Municipal Solid Waste or residual waste to a Disposal or Processing Facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for Source-Separated Recyclable Materials, such as: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, and plastics.

Transportation – The off-site removal of any Municipal Solid Waste, Recyclables and Sewage Sludge at any time after generation.

Transporter – Any person, firm, partnership, corporation, business or public agency who is engaged in the business of collection and/or Transportation of Municipal Solid Waste, Recyclables and Sewage Sludge.

For the purposes of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and neuter.

SECTION IV – STANDARDS FOR COLLECTION AND TRANSPORTATION

All Transporters operating within the County must comply with the following minimum standards and regulations:

- A. All trucks or other vehicles used for collection and Transportation of Municipal Solid Waste must comply with the requirements of Act 97, Act 90, and Act 101, the Pennsylvania Vehicle Code, 75 Pa. C.S. § 101, *et seq.*, as currently enacted or hereafter amended, and Department regulations adopted pursuant to Act 97, Act 90, and Act 101, including those contained in the Pennsylvania Code at 25 Pa. Code. § 285.101 – 285.225, entitled Subchapter B, Regulations for the Collection and Transportation of Municipal Solid Waste, as those regulations currently exist or may hereafter be amended, and any successor laws or regulations amending any of the foregoing authorities.
- B. All collection and transportation vehicles conveying Municipal Solid Waste, Recyclables and Sewage Sludge shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety, and welfare.
- C. All collection and transportation vehicles conveying putrescible Municipal Solid Waste, Recyclables and Sewage Sludge shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances, or a hazard to public health, safety, and welfare.
- D. All collection and transportation vehicles conveying non-putrescible Municipal Solid Waste, Recyclables and Sewage Sludge shall be suitably enclosed or covered to prevent roadside litter, and other nuisances, or a hazard to public health, safety, and welfare.
- E. All collection and/or transportation vehicles conveying Municipal Solid Waste, Recyclables and Sewage Sludge shall bear signs identifying the name and business address of the Person or Municipality which utilize said vehicle in the collection and/or Transportation of Municipal Solid Waste, Recyclables and Sewage Sludge and display the specific type of Municipal Solid Waste, Recyclables and Sewage Sludge transported by the vehicle. All such signs shall have lettering, which

is at least six (6) inches in height as required by Act 101, and the regulations adopted pursuant thereto.

- F. All collection and transportation vehicles and equipment used by Transporters shall be subject to inspection by the County or its authorized agents to determine compliance with the requirements of this section at any reasonable hour without prior notification.
- G. All Transporters must transport municipal solid waste to designated disposal site or processing facilities.
- H. Any Transfer Station Facility receiving Municipal Solid Waste generated from within Adams County shall enter into a Municipal Solid Waste Disposal or Processing Transfer Station Agreement with Adams County.

SECTION V – REGISTRATION REQUIREMENTS (EXEMPTING INDIVIDUALS HAULING ONLY THEIR OWN SOLID WASTE, RECYCLABLE, AND SEWAGE SLUDGE)

1. No person shall collect, remove, haul, or transport any Municipal Solid Waste, Recyclables and Sewage Sludge originating in Adams County through, or upon, public or private streets, alleys, highways, by-ways, avenues, and any public or private easement through any of the various municipalities within Adams County without first registering with the County of Adams in accordance with the provisions of this Ordinance. Any person transporting or hauling only their own Municipal Solid Waste, Recyclables and Sewage Sludge shall be exempt from this registration requirement but shall dispose of Municipal Solid Waste at a Designated Municipal Solid Waste Disposal or Processing Facility.
2. Any person who desires to collect, haul, or transport Municipal Solid Waste, Recyclables and Sewage Sludge within Adams County shall register for the first time at least thirty (30) days before beginning collection and/or transporting of Municipal Solid Waste, Recyclables and Sewage Sludge in the County.
3. Any person who desires to collect, haul, or transport Municipal Solid Waste, Recyclables and Sewage Sludge within Adams County shall submit a copy of its Pennsylvania Waste Transportation Authorization application and a copy of the Authorization to the County at the time of registration.
4. Any person who desires to collect, haul, or transport Municipal Solid Waste, Recyclables and Sewage Sludge within Adams County that is not required by Act 90 to obtain Pennsylvania Waste Transportation Authorization, must complete the full registration form. At the time of registration, all information required by the registration form must be provided to obtain County approval. The County shall have a minimum period of thirty (30) calendar days to review any authorization application and take approval or denial action.
5. The County shall designate specific Disposal or Processing Facilities where Transporters may transport and dispose of any Municipal Solid Waste collected from sources within Adams County. No person shall dispose of Municipal Solid Waste collected within Adams County, except at an approved Municipal Solid Waste Disposal or Processing Facility. The County shall not designate specific facilities for the Processing and/or marketing of Recyclables or Disposal/Processing of Sewage Sludge.
6. Registration and authorization fees may be assessed and charged to a Transporter by the County from time to time as permitted by law.
7. The registration form, which will be supplied by the County, shall state the Disposal or Processing Facilities that the applicant intends to use for the purpose of Disposal or Processing of Adams County Municipal Solid Waste and Sewage Sludge, as well as the recycling facilities or end-use facilities where Adams County Recyclables are marketed. The registration form shall set forth the minimum information required to establish the applicant's qualifications to collect and transport Municipal Solid Waste, Recyclables and Sewage Sludge; including but not limited to:
 - a. Names, together with actual mailing address of business location of the applicant.
 - b. Name and telephone number of a contact person.
 - c. List of all collection vehicles to be used for the collection and transport of Municipal Solid Waste, Recyclables and Sewage Sludge and the Pennsylvania Waste Transportation Authorization identification number for each, if any. This list shall include the vehicle identification information and the vehicle license number for each vehicle.
 - d. List of all collection vehicles to be used for the collection and transport of Municipal Solid Waste, Recyclables and Sewage Sludge to be covered under the County authorization rather than Pennsylvania Waste Transportation Authorization. This list shall include the vehicle identification information and the vehicle license number for each vehicle.
 - e. The company tax identification number and the certificate(s) of insurance to present evidence that the applicant has valid liability, automobile, and workmen's compensation insurance as required by state law.
 - f. List of the types of Municipal Solid Waste, Recyclables and Sewage Sludge collected and transported.

8. Any person who desires to collect, haul, or transport Municipal Solid Waste, Recyclables and Sewage Sludge within Adams County, and who is currently registered, shall submit a registration renewal application and, if applicable, an authorization renewal to the County at least sixty (60) days prior to the expiration date of their existing registration if renewal of the registration and authorization is desired.
9. No new registration or authorization renewal shall be approved and issued by the County to any person who fails to satisfy the standards and requirements of this Ordinance.
10. Written complaints filed by residents or County-designated facilities may result in the delay or denial of authorization renewal.

SECTION VI – LITTER CONTROL PROGRAM

There is established in the County a litter control program, relying on authority contained in Act 101, at 53 P.S. § 4000.303, and the implied grant of authority contained at 75 Pa. C.S. § 4903 (g), The litter control program consists of the following:

1. The County shall use information concerning illegal dumping and burning, citations for littering, and other information, in support of Municipality recycling efforts, such municipal recycling programs provided for at 53 P.S. § 4000.1501.
2. With regard to local dumping and the unregulated burning of solid waste, the County will assist municipalities in investigations related to illegal dumps and open burning.
3. County staff will support municipalities in making application for grants for recycling, waste reduction, litter control, and similar efforts.
4. A vehicle registration measure for vehicles not included within the ambit of Act 90 will be used for ensuring all waste generated in the County is disposed of in a proper, appropriate and legal manner.
5. The Solid Waste Advisory Committee existing under Act 101 will be used as a community-based resources to evaluate, review, and consider different efforts toward lessening litter. Other coordinated community efforts through regional organizations, such as township and borough associations, as well as the Adams County Council of Governments, will be evaluated for potential planning, awareness, and related litter control measures.
6. The plan will be reviewed annually for possible modification and updating. Publications and media efforts in support of the litter control plan, will also be considered.

SECTION VII – PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to collect and/or transport Municipal Solid Waste, Recyclables and Sewage Sludge from any sources within Adams County in a manner that is not in accordance with the provisions of this Ordinance, and the standards and requirements established in Chapter 285 of the DEP's Municipal Waste Management Regulations (as amended), or any other applicable state law.
2. It shall be unlawful for any person to transport any Municipal Solid Waste, Recyclables and Sewage Sludge collected from sources located within Adams County to any disposal or processing facility, other than the facilities that are designated disposal facilities under the approved Adams County Act 101 Municipal Solid Waste Management Plan. The following types of Municipal Solid Waste and materials are exempt from this sub-section:
 - a. Transporters of regulated medical waste shall be exempted from use of the designated disposal or processing facilities.
 - b. Transporters of Sewage Sludge and/or septage shall be exempted from use of the designated disposal or processing facilities if proof of a DEP approved land application site, permitted wastewater treatment facility, or approved Composting/Processing Facility is provided.
 - c. Transporters of Recyclables shall be exempted from use of the designated disposal or processing facilities, but must provide proof that the Recyclables are transported to a Recycling Facility or marketed for end-use.

SECTION VIII – EXEMPTED ACTIVITIES

1. Municipalities and municipally-owned vehicles participating in municipally sponsored clean-up days shall not be subject to the provisions of this Ordinance with respect to standards for collection and Transportation, registering, prohibited activities, reporting requirements, or penalties during the time that such vehicles or municipalities are engaged in those municipally sponsored clean-up activities, but shall be required to transport the regulated material to designated disposal sites or processing facilities.
2. The Transportation of Municipal Solid Waste, Recyclables and Sewage Sludge collected and/or transported by the individuals generating such waste and materials and not an independent contractor,

shall be required to transport the regulated materials to designated disposal sites or processing facilities.

SECTION IX – REPORTING REQUIREMENTS

1. All County Registered Transporters shall promptly report to the County any significant changes in collection vehicles or equipment covered under the authorization, and / or insurance changes.
2. All County Registered Transporters shall maintain current, up-to-date records of the customers serviced within Adams County. Such records and customer lists shall be subject to inspection and must be made available for view to the County or its authorized agents upon request.
3. Each County Registered Transporter shall prepare and submit on forms provided by the County, a typewritten or legibly printed annual report to the Adams County Office of Planning and Development before the last day of January of the next year. At a minimum, the following information shall be included in each report.
 - a. The total weight of each type of Municipal Solid Waste, Recyclable and Sewage Sludge collected from all sources located in Adams County during each month of the reporting period;
 - b. The name of each Disposal or Processing Facility and / or material recovery or end-market the hauler used during the reporting period and the total weight of each type of Municipal Solid Waste, Recyclable and Sewage Sludge that was delivered to each site during the reporting period;
 - c. The name of each Municipality in Adams County in which the hauler collected Municipal Solid Waste, Recyclables and Sewage Sludge from any source during the reporting period; and
 - d. A summary for each Municipality of the total weight of each type of Municipal Solid Waste, Recyclables and Sewage Sludge collected from each Municipality during the reporting period.

SECTION X – PENALTIES

1. Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a summary offense punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for a period of not more than ten (10) days, or both. 16 P.S. § 509. Each incident shall be considered a separate and distinct offense punishable under the provisions of this Ordinance.
2. The County shall have the right at any time to suspend or revoke the County-issued authorization of any Adams County Registered Transporter for any of the following causes:
 - a. Falsification or misrepresentation of any statements in any authorization application.
 - b. Lapses or cancellation of any required insurance coverages.
 - c. Collection and/or Transportation of any Municipal Solid Waste, Recyclable and Sewage Sludge in a careless or negligent manner or any other manner that does not comply with the requirements of this Ordinance.
 - d. Transportation and Disposal/Processing of any Municipal Solid Waste collected from sources within Adams County at any site other than those Disposal or Processing Facilities designated by the County.
 - e. Failure to meet the specific reporting requirements outlined in this Ordinance.
 - f. Violation of any part of this Ordinance, any other applicable County ordinances, or other applicable Pennsylvania laws or regulations.

SECTION XI – INJUNCTIVE POWERS

The County, or its designated agency or representative, may petition the Court of Common Pleas of Adams County for an injunction, either mandatory or prohibitive, or temporary or permanent, in order to enforce any of the provisions of this Ordinance.

SECTION XII – SEVERABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, shall be declared illegal, invalid, or unconstitutional for any reason, the remaining provisions of this Ordinance shall not be affected, impaired, or invalidated by such action.

SECTION XIII – CONFLICT AND REPEAL

Any ordinances or resolutions, or any part of any ordinances or resolutions, which conflict with this Ordinance, are hereby repealed insofar as the same is specifically inconsistent with this Ordinance. The Waste Management and Recycling Ordinance of Adams County and the Adams County Municipal Waste

Management Hauler Regulations are specifically repealed by this Ordinance.

SECTION XIV – EFFECTIVE DATE

This Ordinance shall be effective November 1, 2018, at 12:01 a.m., and shall remain in effect until the expiration of the appropriate enabling legislation, or amendment thereof, or by appropriate action of the Commissioners.

DULY ENACTED AND ORDAINED, in a public meeting duly convened, this 31st day of October 2018.

ATTEST:

ADAMS COUNTY COMMISSIONERS

/s/
Paula V. Neiman, Chief Clerk

/s/
Randy L. Phiel, Chairman

/s/
James E. Martin, Vice Chairman

/s/
Marty Karsteter Qually, Commissioner

At this time Chairman Phiel recognized Bicky Redman, Senior Planner-Environmental Services of the Planning Department, who provided an overview of the programs and how it will affect the county.

Motion carried.

- With recommendation from Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Phiel, to authorize the advertisements to accept Requests for Proposals (RFP) for Municipal Solid Waste Disposal and/or Processing Capacity in Adams County. All RFP’s must be submitted to the Adams County Controller’s Office on or before 4:00 p.m. prevailing time on Tuesday, November 27, 2018 and must be clearly marked “Proposal for Municipal Solid Waste Disposal and Processing Capacity”. All RFP’s received will be opened and read on Wednesday, November 28, 2018 during the Adams County Commissioners Public Meeting.

At this time Chairman Phiel recognized Bicky Redman, Senior Planner-Environmental Services, who explained the contents of the RFP and noted that Act 101 requires the County to have a 10-year plan that must be completed by the end of 2018.

Motion carried.

- Mr. Qually moved, seconded by Mr. Phiel to adopt Ordinance No. 6 of 2018 – An Ordinance requiring that a permit be obtained from the Adams County Tax Services Department prior to any new construction, alteration, maintenance or repair estimate to have a value in excess of Two Thousand Five Hundred Dollars (\$2,500.00), and requiring that a permit be obtained prior to moving a Mobile Home onto a lot or tract of land.

At this time Chairman Phiel recognized Daryl Crum, Tax Services Director, who provided an overview of the ordinance. Ordinance is as follows:

ORDINANCE NO. 6 of 2018

AN ORDINANCE REQUIRING THAT A PERMIT BE OBTAINED FROM THE ADAMS COUNTY TAX SERVICES DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION, ALTERATION, MAINTENANCE OR REPAIR ESTIMATE TO HAVE A VALUE IN EXCESS OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), AND REQUIRING THAT A PERMIT BE OBTAINED PRIOR TO MOVING A MOBILE HOME ONTO A LOT OR TRACT OF LAND

BE IT ENACTED AND ORDAINED by the County of Adams (“County”), Pennsylvania, by its duly elected and incumbent Board of County Commissioners, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

WHEREAS, the County, by and through its Board of Assessment Appeals, has the ability to adopt rules and regulations related to the making of assessments, as contained in Sections 8831 and 8851 of the Consolidated County Assessment Law, 53 Pa.C.S. §8831(c)(2) and (5), and 53 Pa.C.S. §8851(b)(2); and

WHEREAS, the Consolidated County Assessment Law at 53 Pa.C.S. §8861 provides requirements related to the provision of information concerning construction or improvements to property in the County, with §8861(a) requiring that each municipality provide a copy of each building permit to the county assessment office on or before the first day of every month, and §8861(b) requiring property owners to furnish certain information to the Board of Assessment Appeals when making improvements to any real property, other than painting or normal regular repairs, aggregating more than Two Thousand Five Hundred Dollars (\$2,500) in value; and

WHEREAS, municipalities are inconsistent in the application of standards concerning building permits, with many municipalities within Adams County not requiring a building permit when renovations are made solely to the interior of a building, while other municipalities require permits in such instances; some municipalities do not require permits when structures are built solely for agricultural purposes, while some municipalities do require permits in such occasions; and with the county assessment office not receiving consistent notice of these improvements that should be considered in the context of the Consolidated County Assessment Law; and

WHEREAS, house trailers and mobile homes permanently attached to land, or connected to water, gas, electric, or sewage, are considered a subject of real estate taxation, pursuant to Section 8811(a)(1)(ii) and 8821 of the Consolidated County Assessment Law, 53 Pa.C.S. §8821(a), and §8821; and

WHEREAS, the County has historically received inconsistent and sporadic notice of the placement of mobile homes and house trailers on property in the municipalities of the County; and

WHEREAS, the failure to receive notification of all improvements totaling more than Two Thousand Five Hundred Dollars (\$2,500) in value, including those solely occurring in the interior of buildings or in construction of agricultural buildings, and the failure to receive notice on the placement of mobile home and house trailers in a municipality, are anomalies and gaps that can undermine the uniformity of the assessment system used by the County of Adams, and can allow real estate and improvements to not be properly assessed in a fair and equitable manner; and

WHEREAS, the County desires a standardized procedure to insure property owners comply with Section 8861 of the Consolidated County Assessment Law, and such improvements or changes are captured so as to best support the maintenance of tax uniformity, as required by The Pennsylvania Constitution, Article VIII, clause 1; and

WHEREAS, the location and value of house trailers and mobile homes must be known, both to ensure accurate records and in light of the mobility of such structures; and

WHEREAS, the County desires that greater consistency exist with regard to municipal construction codes, building permit systems, and the Consolidated County Assessment Law; and

WHEREAS, Adams County Ordinance 3 of 2006, requiring a construction permit, was based upon the Fourth to Eighth Class County Assessment Law, which Act has been repealed and is no longer with legal effect.

NOW THEREFORE, be it **ENACTED AND ORDAINED** by the County of Adams, Pennsylvania, by the Adams County Board of Commissioners, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

Section I: Incorporation. The foregoing are incorporated herein and made an essential part hereof.

Section II: Definitions. Unless otherwise expressly stated, the following words, shall, for purposes of the present Ordinance, have the meanings herein indicated:

“Alteration” shall mean a change in internal layout, or finish of any Building; a change in external cladding, siding or material; or the addition of a new structure, room, or Building; such that the work undertaken for any of the foregoing is beyond that normally carried out for Maintenance or Repair, and which leads to significant improvements in function, capability or finish, or changes the use of any Building.

“Building” shall mean and include any structure, home, or improvement to real estate, or Mobile Homes.

“Department” shall mean the Adams County Tax Services Department located in Room 202 of the Adams County Courthouse, Gettysburg, Pennsylvania with a telephone number of (717) 337-9837 and email address of taxoffice@adamscounty.us.

“Maintenance or Repair” shall mean to restore to good, original, or like condition.

“Mobile Home” shall mean and include mobile homes, house trailers, or unregistered travel trailers, when any of the above are permanently attached to the land or connected with water, gas, electric or sewage facilities, as provided for in 53 Pa. C.S. § 8811(a)(1)(ii).

“Person” shall mean any natural person or persons, corporation, partnership, unincorporated association, or other legal entity, or combination of the above.

Section III: Property Improvement Permit Requirement. It shall be unlawful for any Person to undertake Alteration, or Maintenance or Repair to any Building in Adams County, if the value of the proposed work is estimated to exceed Two Thousand Five Hundred Dollars (\$2,500), without first having obtained a Property Improvement Permit (“Permit”) from the Department, in accordance with the provisions and procedures set forth in this Ordinance.

Section IV: Property Improvement Permit Application. The person making application for a Permit shall exhibit to Department Permit staff a current approved building permit issued by the municipality in which the property is located or a statement on said municipality letterhead

which indicates that a municipality building permit is not required for the planned Alteration; shall furnish a description of the property sufficient to identify it; and shall furnish the nature of the Alteration and the estimated value thereof. The above information shall be provided on a form made available by the Department. It is understood that an approved municipality building permit, or statement that a permit is not required, will suffice to meet the requirement of determining existence of a sewage disposal permit, as building permits are not issued by municipalities unless proof is provided that adequate sewage disposal capabilities exist where applicable to the type of construction or Alteration being undertaken. It is understood that municipalities within Adams County have primacy concerning the issuance of building permits, and any requester for a County Permit will be referred to his or her municipality if the requester does not possess either a building permit from that municipality, or a letter indicating one is not required.

Section V: Display of Property Improvement Permit. During the period of construction or Alteration the Permit must be prominently displayed on the exterior front side of the Building, so as to be visible to someone approaching the Building. The Permit may be displayed on the inside of a window, provided the above visibility requirement is met.

Section VI: Mobile Home Requirement. It shall be unlawful for any Person to move any Mobile Home onto a lot or tract of land in Adams County without having first obtained a Permit from the Department.

Section VII: Application for Relocation of Mobile Home. Any Person making application for a Permit to move a Mobile Home onto a lot or tract of land shall furnish to the Department the following information, on the appropriate form provided by the Department:

- a. Make, model, year and size (width and length not including hitch) of the Mobile Home.
- b. Title number.
- c. Name of lien holder, if any.
- d. Estimated value of Mobile Home.
- e. Proof of the attainment of an approved municipality building permit, which is understood to demonstrate compliance with sewage disposal permit requirements, as well as proof of compliance with any other municipality requirements.

Section VIII: Permit Expiration. Any Permit issued under the authority of the Ordinance shall expire two (2) years from the date of issue. If Construction or Alteration is not completed within two (2) years from the date of issue of a Permit, a new Permit must be obtained from the Department. All Permits issued prior to the date of enactment of this Ordinance shall expire two (2) years from their current issue date.

Section IX: Establishment of Property Improvement Permit Cost. The cost of a Permit shall be Ten Dollars (\$10). However, the Adams County Board of Commissioners may elect to change the cost by a Resolution of the Board of Commissioners, from time to time, duly enacted, at an appropriately scheduled and advertised meeting of the Board of Commissioners.

Section X: Construction Value Requiring Permit. The estimated value that serves as a threshold for requiring a Property Improvement Permit, as provided by Section II of this Ordinance and by Section 8861 of the Consolidated County Assessment Law, may not be changed unless the threshold as established by the Consolidated County Assessment Law or any other law governing the same is changed. In the case of a change in the law, the threshold as stated in this Ordinance will be changed.

Section XI: Violations and Penalties. Any Person who fails to comply with the provision of this Ordinance, or furnishes false information, shall upon conviction thereof at a summary proceeding, be sentenced to pay a fine of not more than Fifty Dollars (\$50), as stated in Section 8861 of the Consolidated County Assessment Law, 53 Pa.C.S. §8861(c), together with the costs of prosecution. Any assessment change as a result of the Alteration done without first obtaining a Permit will be recorded in the tax records as having an effective date as of the first date of the current taxable year.

Section XII: General Repealer. Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed as the same is affected by or inconsistent with the provisions of the present Ordinance.

Section XIII: Specific Repealer. Ordinance No. 3 of 2006 is hereby repealed in its entirety.

Section XIV: Severability. In the event that any provision of this Ordinance is held to be unenforceable, invalid, or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed separate, distinct, and independent, and the remaining provisions shall remain valid, and shall have full force and effect.

Section XV: Effective Date. This Ordinance shall become effective as of the 31st day of October 2018.

ACTED AND ORDAINED THIS 31st day of October 2018.

ATTEST:

ADAMS COUNTY COMMISSIONERS

/s/
Paula V. Neiman, Chief Clerk

/s/
Randy L. Phiel, Chairman

/s/
James E. Martin, Vice-Chairman

/s/
Marty Karsteter Qually, Commissioner

Motion carried.

- With recommendation from Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Phiel, to review and approve the Settlement Agreement and Mutual Limited Release between the County and AVANCO International, Inc. stemming from the breach in May of 2016 of the statewide database administered by AVANCO and accessed by the Adams County Children & Youth Services.

Motion carried.

- With recommendation from Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Phiel, to renew the month-to-month Lease between the County of Adams and Manos Unidas Hispanic-American Center effective November 1, 2018.

Motion carried.

- With recommendation from the Adams County Library System, Mr. Qually moved, seconded by Mr. Phiel, to recognize the appointment of Ray Schwartz, 60 Gordon Road, Fairfield, PA to his first three-year term as a Trustee on the Adams County Library Board effective October 2018.

Motion carried.

Department of Emergency Services:

With recommendation from Warren Bladen, Director, Mr. Qually moved, seconded by Mr. Phiel, to approve the Pennsylvania Emergency Management Agency State Fiscal Year 2018-2019 Radiation Emergency Response Fund Grant Agreement in the amount of \$16,948.00 for the period July 1, 2018 through June 30, 2019.

Motion carried.

Personnel Report:

Mr. Qually moved, seconded by Mr. Phiel, to approve the Personnel Report as presented:

Separation of Employment with permission to post:

- Retirement of Monica Dutko, Director of Voter Registration, effective December 7, 2018

Motion carried.

Salary Board Meeting:

The Salary Board Meeting will be held following the Commissioner's Meeting.

Executive Session:

Board Chairman Phiel called for an Executive Session at 9:39 a.m. this date to discuss personnel and attorney/client issues.

Meeting Reconvened:

Commissioner Phiel reconvened the Commissioner's Meeting at 2:50 p.m. this date with the following in attendance: Commissioner Marty Karsteter Qually, Solicitor Molly Mudd, Albert Penksa, County Manager and Chief Clerk Paula Neiman.

Adjournment:

Mr. Qually moved, seconded by Mr. Phiel, to adjourn the Commissioner's Meeting at 2:52 p.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman
Chief Clerk