

ORDINANCE NOTICE

The following ordinance has been proposed by the Township of Middletown and will be acted on at the regular Township meeting to be held on March 7, 1988 at 8:00 p.m. at the Township Building.

An ordinance of Middletown Township, Susquehanna County, Pennsylvania, provides that any activity or enterprise that transports, consumes, handles, generates, inters, or incinerates any substance that if released, leaked, spilled or otherwise introduced into the environment could cause an adverse impact on public health, safety or welfare, the environment or natural resources, shall be prohibited from engaging in such activities or enterprises on lands within Middletown Township that are designated as environmentally sensitive areas.

A full copy of the ordinance may be examined at the house of the Township Secretary, Scott Darling, the office of the Susquehanna County Independent, South Main Street, Montrose, Pennsylvania, and the office of Michael J. Giangrieco, Esquire, 22½ Public Avenue, Montrose, Pennsylvania.

Michael J. Giangrieco, Esquire
Solicitor

Publish one (1) time

Furnish one (1) proof of publication

Bill Middletown Township

*Hand
delivered
to independent
2-22-88*

ORDINANCE NO.
PROTECTION OF ENVIRONMENTALLY SENSITIVE
AREAS WITHIN MIDDLETOWN TOWNSHIP FROM CONTAMINATION

AN ORDINANCE OF MIDDLETOWN TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROVIDES THAT ANY ACTIVITY OR ENTERPRISE THAT TRANSPORTS, CONSUMES, HANDLES, GENERATES, INTERS, OR INCINERATES ANY SUBSTANCE THAT IF RELEASED, LEAKED, SPILLED, OR OTHERWISE INTRODUCED INTO THE ENVIRONMENT COULD CAUSE AN ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY OR WELFARE, THE ENVIRONMENT OR NATURAL RESOURCES, SHALL BE PROHIBITED FROM ENGAGING IN SUCH ACTIVITIES OR ENTERPRISES ON LANDS WITHIN MIDDLETOWN TOWNSHIP THAT ARE DESIGNATED AS ENVIRONMENTALLY SENSITIVE AREAS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middletown Township, Susquehanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION ONE - DEFINITIONS:

- (a) ENVIRONMENTALLY SENSITIVE ARE: includes but not limited to:
1) Active or abandoned quarries, mines, or gravel pits: 2) wetlands, swamps, waters of the Commonwealth, headlands or source areas of any stream or waterway: 3) any area within one mile of a domestic or agricultural water supply: 4) any area where the thickness of undisturbed, in situ, glacial till is at any point less than 20 feet: or 5) any area with one half mile of flowing, surface springs.
- (b) ACTIVITY OR ENTERPRISE - includes but is not limited to any "for-profit" industrial or commercial operation, waste disposal or treatment facility or fuels or chemical storage facility as operated by any individual or individuals, partnership, firm, association or corporation.
- (c) SUBSTANCE - any leachate, organic or inorganic chemical, petrochemical, fuel, industrial or chemical by-product, solid or liquid municipal waste, hazardous or nuclear wastes, municipal or industrial sludge, or ash residue from the burning or any of the above named substances.

SECTION TWO - EVALUATION

The proposer of any activity or enterprise that transports, consumes, handles, generated, inters, or incinerates any substance that if released, leaked, spilled, or otherwise introduced into the environment could cause adverse impact on public health, safety or welfare, the environment or natural resources with Middletown Township shall prior to any such activity, including but not limited to site preparation or construction submit to the Middletown Township Board of Supervisors a complete set of plans and an environmental assessment of the area within the Township where activities would be conducted. All environmental studies shall be at the cost of the proposer and shall be submitted at a level of completeness to allow full evaluation as to the conditions set forth in this ordinance.

SECTION THREE - Non-Sensitive Area PERMITTING REQUIREMENTS

- (a) Prior to the start of any operation within Middletown Township which would result in any activity or enterprise that transports, consumes, handles, generates, inters, or incinerates any substance that if released, leaked, spilled, or otherwise introduced into the environment could cause an adverse impact on public health, safety or welfare, the environment or natural resource shall be evaluated by the Middletown Township Environmental Committee and a majority recommendation made to the Middletown Township Board of Supervisors as to the potential impact on environmentally sensitive areas as laid out in this ordinance.
- (b) Prior to issuance of a permit of the aforementioned activity at the discretion of the Middletown Township Board of Supervisors, a public hearing may be called not more than 30 calender days after the recommendation has been presented to the Middletown Township Board of Supervisors by the Middletown Township Environmental Committee.
- (c) Prior to the start of any activity, a permit must be issued for a period of not more than one year, and must be renewed on a yearly basis. Prior to each renewal, the Middletown Township Environmental Board will be solicited for a recommendation, which will include but is not limited to evaluation of past compliance.
- (d) The yearly fee for a NON-Sensitive Area Permit shall be \$100.00.

SECTIN FOUR Any person, firm, or corporation which shall violate any of the provisions of this ordinance shall be subject, upon conviction, to pay a fine which shall be the maximum allowed by the Commowealth to be assessed by Middletown Township, this is currently three hundred dollars (\$300.00) and cost of prosecution, and in default of the payment of such fine and costs to imprisonment for thirty (30) days for each occurrence. An occurrence is defined as each day that the facility is in violation of this ordinance.

SECTION FIVE. If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herein.

ENAGTED AND ORDAINED this ____ day of _____, 1988. A.D.

ATTEST:

Secretary/Treasurer

