

ORDINANCE NO. / A

AN ORDINANCE OF THE TOWNSHIP OF MIDDLETOWN COUNTY OF SUSQUEHANNA, STATE OF PENNSYLVANIA, PROVIDING THAT ALL WASTE FACILITIES WITHIN THE TOWNSHIP ARE REQUIRED TO OBTAIN A PERMIT FOR THE OPERATION OF WASTE FACILITIES AND TRANSPORTATION OF REFUSE IN THE TOWNSHIP TO INSURE THE SAFETY AND WELL-BEING OF THE CITIZENS OF THE TOWNSHIP AND PRESCRIBING FINES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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-SHORT TITLE: This Ordinance shall be known and may be cited as "Middletown Township Ordinance for Permit and Regulation of Waste Facilities and the Transportation of Refuse."

SECTION TWO - DEFINITIONS:

(a) Person - any individual or individuals, partnership, firm association or corporation, and specifically including the partners, officers and directors thereof.

(b) Refuse- any waste material constituting "solid waste" as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. 6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this ordinance.

(c) Sanitary Landfill - any land site used to dump, bury or deposit, store or treat refuse.

(d) Permit - Where used in this Ordinance, the terms permit and licensing are deemed as having the same meaning.

SECTION THREE - LICENSE REQUIRED:

(a) No person shall maintain or continue to maintain, whether for commercial purposes or otherwise, any place within Middletown Township, Susquehanna County, for dumping, burying or depositing, storing or treating refuse unless such place is licensed by the Board of Supervisors of Middletown Township as a sanitary landfill. Application for such license shall be made to the Board of Supervisors of Middletown Township and shall contain the following information:

(1) The name and address of the applicant.

(2) A plan drawn to scale indicating by metes and bounds the land upon which the sanitary landfill is to be maintained, the area presently in use as a sanitary landfill, the area intended to be used as a sanitary landfill in the future and the area for which permit has been granted by Department of Environmental Resources under the Solid Waste Management Act, aforementioned, or any other pertinent statute, and all streams and public roads within two (2) miles of any present landfill, intended landfill or permitted landfill.

(3) A list of equipment available for use in maintaining the landfill site.

(4) The name and address of each individual who will be in charge of the landfill site during hours of operation.

(5) The type of refuse to be accepted.

(6) Certificate of insurance including liability for pollution together with copy of insurance policy satisfactory to Board of Supervisors of Middletown Township.

(B) No person shall transport refuse with the Township of Middletown for the purpose of depositing the same in any sanitary landfill in the township unless licensed by the Board of Supervisors of Middletown Township. Application for such license shall be made to the Board of Supervisors of Middletown Township and shall contain the following information:

(1) Owner of vehicle(s)

(2) Type of vehicle (make, model, legal capacity, year)

(3) State of Registration

(4) License number of vehicle

(5) Certificate of liability insurance

SECTION FOUR - TERM OF LICENSE:

(A) A license issued for a sanitary landfill hereunder shall be valid for the calendar year for which it is issued and upon application may be renewed on a year to year basis thereafter. All applications shall be acted upon by the Board of Supervisors of Middletown Township within sixty (60) days of filing with the Secretary of the Board. No license shall be effective until approved by the Board of Supervisors at a regular meeting.

(B) A license issued for the transportation of refuse hereunder shall be valid for the calendar year for which it is issued and upon application may be renewed on a year to year basis thereafter. All applications shall be acted upon by the Board of Supervisors of Middletown Township within sixty (60) days of filing with the Secretary of the Board. No license shall be effective until approved by the Board of Supervisors at a regular meeting.

SECTION FIVE - REVOCATION AND REFUSAL:

The Board of Supervisors may revoke or refuse any license previously issued for the operation of a sanitary landfill or the transportation of refuse hereunder, if the Board finds, after investigation and hearing, that the landfill or the transportation of refuse hereunder has been operated in violation of the regulations set forth in this Ordinance or any other Ordinance of Middletown Township, or any pertinent laws or regulations of the Commonwealth of Pennsylvania, or of the United States of America.

SECTION SIX - LICENSE FEE:

(A) The license fee for the operation of a sanitary landfill shall be fifty dollars (\$50.00) for each calendar year or five dollars (\$5.00) for each month or portion thereof in the case of a license for less than a calendar year, payable in full at the time of application.

(B) The license fee for the transportation of refuse hereunder shall be fifty dollars (\$50.00) for each calendar year or five dollars (\$5.00) for each month or portion thereof in the case of a license for less than a calendar year, payable in full at the time of application. Each vehicle transporting refuse shall be provided a numbered registration card which shall be attached to the registration card of the vehicle and which shall be subject to inspection by authorized representatives of the Board of Supervisors and any landfill operator.

SECTION SEVEN - REGULATIONS:

(A) The license shall comply with all pertinent laws and regulations of the Commonwealth of Pennsylvania and of the United States of America or any department, agency or authority thereof.

(B) A competent adult individual directly responsible to the licensee shall be present at and in charge of any landfill at all times during operation.

(C) A daily register shall be kept containing the full name and address of each person, firm, corporation or other entity bringing refuse to the landfill, containing the license number of any vehicle involved and specifying the type and quantity of refuse and the place of origin of such refuse and the township registration number of each vehicle.

(D) The daily register required in sub-section (c) above shall be open to inspection by the Board of Supervisors or its duly authorized representative at all times during business hours.

(E) Except in the case of an emergency because of adverse weather conditions, in which case notice shall be given to the township, the hours of operation of any landfill shall be restricted to 8:00 A.M. until 4:30 P.M. Monday through Friday and 8:00 A.M. until 12:00 noon on Saturday. No landfill will be operated during a legal holiday.

(F) All landfill sites shall be closed by a gate at each entrance and exit when the landfill is not open or in operation.

(G) There shall be no fires or burning of any waste at the landfill site.

(H) There shall be no uncovered waste, junk or other discarded material at the landfill site at the close of a working day.

(I) There shall be no dumping, depositing, storage or treatment of refuse within five hundred (500) feet of any public road or any property line of any landfill site and visual screening that obscures the view of any landfill site from any residence or public road within five hundred (500) feet will be provided by the license.

(J) Upon request of the Board of Supervisors Middletown Township or its duly authorized representative, the licensee shall provide the results of any and all tests required by the Pennsylvania Department of Environmental Resources and/or the Environmental Protection Agency.

(K) All licensees shall remove and clean any refuse spilled upon any public or private road or property within Middletown Township from any vehicle carrying refuse to the landfill and shall have equipment and personnel available at all times for such cleaning and removal.

(L) All licenses shall prevent any refuse dumped, buried, deposited, stored or treated at its landfill from blowing, leaking, seeping or otherwise escaping the sanitary landfill onto any other public or private property in Middletown Township. In the event of a violation of this regulation in addition to the other penalties provided herein, the licensee shall remove and/or clean any such refuse within twenty-four (24) hours unless prevented from doing so in an emergency caused by adverse weather conditions. No licensed transporter or refuse in the township shall park his vehicle along any road in the township prior to the refuse having been removed from such vehicle.

(M) All licensed transporters of refuse in the township shall comply with weight limits on all roads and bridges in the township

SECTION EIGHT - PENALTIES

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, in addition to any other charges or penalties imposed by this Ordinance or any Law of the Commonwealth of Pennsylvania, pay of fine or penalty of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00) and the cost of prosecution and in default in the payment thereof, shall undergo imprisonment in the Susquehanna County Prison for not more than thirty (30) days. A new and separate offense shall be deemed to have been committed for each day said violation exists. In addition thereto, any violation of this Ordinance shall constitute a public nuisance and the township may institute proceedings in a Court of Equity or other appropriate Court to require the licensee in violation to abate such nuisance.

SECTION NINE - SEVERABILITY:

The provisions of this Ordinance are severable, and if any section, paragraph, sentence or clause thereof shall be declared illegal, unconstitutional or invalid by any court of competent jurisdiction, such illegality, unconstitutionality or invalidity shall not affect the remaining portions of this Ordinance and it hereby is declared the intention and purposes of the Board of Supervisors that this Ordinance would have been enacted without such illegal, invalid or unconstitutional provision.

BE IT ENACTED AND ORDAINED this 1ST
1988 A.D.

day of FEB.

ATTEST:

Scott M. Daily
Secretary/Treasurer

John Einton
Chairman

Carl D. [Signature]
Vice Chairman

Paul Newhart
Supervisor