

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF RESIDENTS OF MIDDLETOWN TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, BY SETTING FORTH STANDARDS TO REGULATE THE DISPOSITION OF ASHES, GARBAGE, RUBBISH AND OTHER REFUSE MATERIAL WITHIN THE TOWNSHIP; LIMITING THE DEVELOPMENT AND OPERATION OF SANITARY LANDFILLS, INCINERATION SITES AND SOLID AND HAZARDOUS WASTE DISPOSAL PLANTS TO A MUNICIPALITY OR A MUNICIPAL AUTHORITY; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE TERMS HEREOF.

SECTION 1
SHORT TITLE

This Ordinance shall be known as the "Refuse Ordinance."

SECTION 2
DEFINITIONS

- A. The term "ashes" shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
- B. The terms "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.
- C. The term "rubbish" shall mean glass, metal, paper, plant, growth, or wood.
- D. The term "refuse" shall mean all solid wastes, including ashes, and garbage except body wastes and all hazardous waste, as defined in Section 103, 35 PS 6018-103.
- E. The term "person" shall include any natural person, association, partnership, firm or corporation.
- F. The term "municipality" shall include a city, borough, incorporated town, township or county.
- G. The term "municipal authority" shall include any authority created by a city, borough, incorporated town, township of county.
- H. The term "incineration" shall mean the process of burning combustible solid waste.
- I. The term "sanitary landfill" shall mean a land site which is utilized to bury deposits of solid waste.
- J. The term "refuse disposal plant" shall include any and all types of industrial plants used in the conversion, reduction or elimination of solid and hazardous waste.

SECTION 3
STANDARDS TO REGULATE DISPOSITION OF REFUSE

1. It is hereby established that any and all sanitary landfills, incineration facilities and refuse disposal plants developed in Middletown Township, Susquehanna County, Pennsylvania, must be owned and operated by either a municipality or a municipal authority.
2. No such site for incineration, disposition by the sanitary landfill method or for any other type of refuse disposal plant shall be established within five hundred (500) yards of any dwelling, church, school, or any other building or buildings which, from time to time, are utilized for human occupancy.
3. No such site for incineration, disposition by the sanitary landfill method, or for any other type of refuse disposal plant shall be established within five hundred (500) yards of any farming operation.
4. No municipality or municipal authority shall store, transport, process or dispose of refuse unless such activity is in strict compliance with the "Solid Waste Management Act" of 1980.

SECTION 4
PENALTIES

1. Any person who shall violate any provision of this Ordinance shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) plus all costs of prosecution, and, in default of payment of fine and costs, to be imprisoned for a term not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.
2. In addition to the penalty set forth in Section 4.1, the township may pursue any other legal remedy available to it either at law or in equity.

SECTION 5
SEVERABILITY

1. If any section, subsection, paragraphs, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and, to this end, the provisions of this ordinance are hereby declared to be severable.

ENACTED AND ORDAINED this 4th day of Feb., 1988.

MIDDLETOWN TOWNSHIP

Scott M. Daily
SEC/TREAS.

Paul J. Becton
Alfred J. Reed
John G. Gustin