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ORDINANCE

AN ORDINANCE REGULATING THE DISPOSAL OF WASTE, REQUIRING
LICENSES FOR THE ESTABLISHMENT, MAINTENANCE, OR ENLARGE-
MENT OF DUMPS, LAND FILLS, INCINERATORS AND JUNKYARDS,
WITHIN THE TOWNSHIP OF GREAT BEND, PRESCRIBING PENALTIES
FOR VIOLATIONS THEREOF.

SECTION 1. Definitions.

A. "Waste" shall include all organic or inorganic refuse, garbage or rubbish.

B. "Person" shall include any individual, private corporation, municipal corporation, partnership, association or any combination of them.

C. "Junk" shall mean discarded materials, articles, or things possessing value in part, gross, or aggregate, and including but not limited to more than three (3) scrap motor vehicles and parts thereof, including motors, bodies of motor vehicles, and more than three (3) vehicles which are inoperable and do not have a current and valid inspection sticker, as required by the Motor Vehicles Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste or farm machinery, provided that such farm machinery is used in connection with a bona fide farming operation.

D. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. It shall be unlawful for any person to use or occupy any premises as and for a waste dump, sanitary land fill, incineration plant, or junkyard, or other similar use, within the Township of Great Bend, whereby any noxious or offensive odors, putrid or polluted water, or other discharge, smoke, soot, ash, refuse, rubbish, or filth of any nature whatever is blown, carried, or discharged, in any manner onto the public roads or upon the premises of other persons, without obtaining a license from the Township Supervisors, as herein provided.

SECTION 3. Nothing in this Ordinance shall prevent any person from burying or burning, upon land owned by him, waste arising from his own activities, as opposed to commercial waste disposal activities, provided that no nuisance is thereby created.

I certify this to be a true & exact copy of
the proposed ordinance

James J. [Signature]
11-23-82

SECTION 4. It shall be unlawful for any person to dispose, keep, place, or store, or permit to be disposed, kept, placed or stored on any premises whatever, any rubbish, garbage, ashes, manure, or refuse of any kind, within one hundred (100) feet of the cartway of any public road, or within one hundred (100) feet of the premises of any other person, excepting if a person is involved in a bona fide farming operation, then in that case, the person shall be allowed to spread recognized fertilizer on his fields, providing however, that no pollution of any creek or stream or public road is caused. The use or occupation of any premises within the Township of Great Bend, in any manner so as to violate the provisions of this section is hereby declared to be a nuisance per se.

SECTION 5.

A. No person shall establish, maintain or enlarge a public or private waste dump, land fill, incinerator or junkyard, without first obtaining a license from the Supervisors of Great Bend Township. All persons desiring such licenses shall apply in writing to the Secretary of Great Bend Township, or to such other person as appointed by them, setting forth the proposed location and including a sketch showing neighboring lands, roads, streams, creeks, ponds and buildings, and the appropriate distance from them that the waste dump, or other similar item is proposed. The fee for such license shall be Twenty-five Dollars (\$25.00) per year or portion thereof.

B. Licenses shall be issued by the Township Secretary at the direction of a majority of the Township Supervisors after a certification that all requirements of the Township rules and regulations, and all applicable State and Federal regulations have been fulfilled, and that all costs and fees have been paid.

SECTION 6. The duties of such licensed waste dump, land fill, incinerator or junkyard operators shall be as follows:

A. To operate and maintain the waste dump only in an area approved by the Supervisors of Great Bend Township;

B. To provide that the compacting of waste materials by layers or sections be covered with at least six (6) inches of Earth, the top layer or section to be covered by at least three (3) feet of Earth, such that the surface constitutes a continuation of natural surrounding grade, such covering to be completed periodically, at reasonable intervals; in no case shall waste at a waste dump be permitted to accumulate without being covered for a period in excess of three (3) days;

C. To abstain absolutely from burning or permitting of burning wastes;

D. To comply with reasonable instructions of the Great Bend Township Supervisors;

E. To comply with the laws of the Commonwealth of Pennsylvania and regulations of the Pennsylvania Department of Health;

F. To comply with the laws of the United States and the regulations of the United States Department of Health;

G. To take all reasonable measures to prevent burning or dumping of waste by others;

H. All junkyards must be fenced in, such as to enclose them from the public and to protect the public from unsightly views;

I. All junked vehicles and motor parts must be a minimum of fifty (50) feet from any public thoroughfare.

SECTION 7. The Township Supervisors may require the posting of a reasonable bond if they desire, to secure enforcement of other restrictions of this Ordinance by any proposed Licensee.

SECTION 8. Any presently existing non-conforming business located in the Township shall be exempted from the provisions of this Ordinance, excepting that all future expansion beyond the present geographic boundaries of the non-conforming business, shall be required to conform to this Ordinance.

SECTION 9. Duties of Supervisors - standards.

A. Grant license only if Supervisors are satisfied that location is reasonably suited for waste disposal;

B. Revoke license for failure to conform to reasonable instructions of Supervisors;

C. Supervisors are specifically directed to make determinations under Section 9 (A) and (B) herein, based upon careful consideration of the public health, safety, welfare, and morals in connection therewith the proximity of heavily populated areas, roads, or bodies of water, and accepted soil conservation and pure water standards;

D. Revoke license for any violation of this Ordinance.

SECTION 10. Any person violating the terms of this Ordinance shall, on conviction thereof, before any District Magistrate, be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution, for each separate offense; and in default of payment thereof, shall be committed to the Susquehanna County Jail for a period of not more than five (5) days for each separate offense, with the right of appeal as in other cases of summary jurisdiction, provided that each day's continuance of a violation of this Ordinance shall constitute a separate offense. All fines levied, assessed, and paid under the terms of this Ordinance shall be payable for the general use of the Township.

SECTION 11. Any Ordinance or any part of any Ordinance conflicting with the provisions of this Ordinance shall be and the same are repealed.

SECTION 12. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as separate, distinct, and an independent provision, and such holding shall not effect the validity of the remaining portions hereof.

SECTION 13. Effective date.

This Ordinance shall be effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this the day of , 1982.

GREAT BEND TOWNSHIP

ATTEST:

Supervisor

Supervisor

Secretary

Supervisor