

LEGAL NOTICE

Pursuant to the Act of May 1, 1933, P. L. 103, No. 69 as amended, known as the Second Class Township Code, notice is hereby given that at a regular meeting of the Sheshequin Township Supervisors to be held at the Sheshequin Township Building on **May** 22, 1981 at 7:30 p.m. the Sheshequin Township Supervisors will consider adopting an ordinance with regard to the disposal of bulky waste, commercial wastes, construction and demolition wastes, domestic waste, or household wastes, institutional waste, food process waste, garbage, hazardous waste, solid waste, hazardous material, explosives, radioactive material, sewage and the imposition of a tax on the disposal and processing of the aforementioned items in Sheshequin Township, and the restriction of said disposal or processing sites to certain areas of Sheshequin Township, and regulating the transportation of radioactive material and radioactive producing machines or equipment on the highways within said Sheshequin Township. The following is a full text of the ordinance, which will be considered for adoption.

DOWD & KOCSIS by
Michael J. Dowd, Solicitor

AN ORDINANCE NO. _____, 1981

AN ORDINANCE governing the disposal of bulky waste commercial wastes, construction and demolition wastes, domestic waste or household wastes, institutional wastes, food process waste, garbage, hazardous waste, solid waste, hazardous material, explosives, radioactive material, sewage and the imposition of a tax on the disposal and processing of the aforementioned items in Sheshequin Township, and the restriction of said disposal or processing sites to certain areas of Sheshequin Township, and regulating the transportation of the radioactive material and radioactive producing machines or equipment and the aforementioned items on the highways within said Sheshequin Township, and setting forth rules and regulations in regard to disposal sites and processing sites.

WHEREAS, Sheshequin Township of Bradford County, Pennsylvania, desires to regulate the establishment of disposal sites and processing sites in regard to the items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W within the Township could constitute a hazard to the health and wellbeing of the inhabitants of the Township.

Be it enacted and ordained by the Board of Supervisors, Sheshequin Township, Bradford County, Pennsylvania, and it is hereby enacted and ordained by authority of same and pursuant to the authority granted by the Act of Legislature approved May 1, 1933 P.L. 103, as amended, as follows:

SECTION 1: Short Title - This ordinance shall be known and may be cited as 'Sheshequin Township Disposal and Processing Ordinance..

SECTION 2: Definitions - Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated:

A. Access Road - Any cartway or roadway in Sheshequin Township used to transport any of the items defined in this section.

B. Air Pollution - The presence in the outdoor atmosphere of any form of contaminant including, but not limited to, the discharges from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes, or any other source of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, or any other matter which is in such place, manner, or concentration inimical or potentially inimical to public health, safety, or welfare, which is, or may be, injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

C. Building - A building regularly occupied in whole or in part as a habitation for human beings or any church,

schoolhouse, railroad station, store, or other building where people are accustomed to live, work, or assemble.

D. Bulky Waste - Large items of refuse including, but not limited to, appliances, furniture, large auto parts, trees, branches, and stumps which cannot be handled by normal solid waste processing, collection, or disposal methods.

E. Board - Shall mean the Board of Supervisors of Sheshequin Township.

F. Commercial Waste - All solid waste emanating from establishments engaged in business. This category shall include, but is not limited to, solid waste originating in stores, markets, office buildings, restaurants, shopping centers and theaters.

G. Construction and Demolition Waste - Waste building materials, dredging materials, grubbing waste, and rubble resulting from construction, remodeling, repair, and demolition operation on houses, commercial buildings, and other structures and pavements.

H. Domestic Waste or Household Waste - Solid waste comprised of garbage and rubbish which normally originates in the residential private household or apartment house.

I. Explosives - Any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonator may produce an explosion capable of causing injury to persons or damage to property. The term explosive includes but is not

limited to, black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton, and wet nitrostarch.

J. Farm Operation - Any location having ten (10) acres or more on which crops are raised and harvested, or on which more than five (5) head of livestock is raised.

K. Food Process Waste - Residual materials in liquid or solid form generated in the slaughtering of poultry and livestock or in processing and converting fish, seafood, milk, meat, and eggs to food products; also residual materials generated in the processing, converting, or manufacturing of fruits, vegetables, crops, and other commodities into marketable food items.

L. Garbage - Solid waste resulting from animal, grain, fruit, or vegetable matter used or intended for use as food.

M. Hazardous Material - Infectious or pathogenic hospital wastes, water treatment residues, biological wastes, radioactive wastes, pesticides, chemicals, empty chemical or pesticide containers, industrial solvents and solutions, and explosive material require special consideration while being stored prior to final disposal.

N. Hazardous Waste - A solid waste or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible

illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

O. Highway - Any public street, public alley, or public road.

P. Institutional Waste - All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools, and universities..

Q. Person - Any individual, association, public or private corporation for profit or not for profit, partnership, firm trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipiap, public or private corporation for profit or not for profit.

R. Processing of Wastes - Any technology for the purpose of converting the items defined in this section for refuse making solid items harmless or preparing said items for disposal.

S. Radiation processing Machines or Equipment - Any apparatus capable of producing ionizing radiation, except devices which produce ionizing radiation only from radioactive material.

T. Radioactive material - Any material (solid,

liquid or gas) of which one or more constituents exhibit radioactivity or is capable of emitting ionizing radiation.

U. Site - Any location where the items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W are disposed of or processed.

V. Sewage - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the act of June 22, 1937, P.L. 1987 (No. 394), known as "The Clean Streams Law", as amended (35 P.S. Sec. 691.1 et seq.)

W. Solid Waste - Garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agriculture, and residential activities.

X. Township - Shall mean Sheshequin Township, Bradford County, Pennsylvania.

Y. Water Pollution - Contamination of any water of Sheshequin Township which will create a nuisance or which is likely to create a nuisance or to render such waters harmful, detrimental, or injurious to public health, safety, or welfare to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial

uses, or to livestock, wild animals, birds, fish, or other aquatic life, including, but not limited to, such contamination by alteration of the physical, chemical, or biological properties of such waters, by change in temperature, taste, color, or odor thereof, or by the discharge of any liquid, gaseous, radioactive, solid, or other substances into such waters.

Z. Applicant - Any person who makes an application under this Ordinance or to whom a permit is issued under this Ordinance.

SECTION 3: No system or site for the disposal and/or processing of the items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W hereinabove, may be operated or established within Sheshequin Township, unless and until said Board of Supervisors issues a permit for said system or site.

SECTION 4: Application - The application for a permit to dispose or process the items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W shall be made on forms prescribed by the Board and shall contain or have attached as exhibits, complete plans for the processing system and site, including detailed plans for the processing system and site, including detailed plans as required under applicable State and Federal laws.

SECTION 5: The Board of Supervisors shall have a period of ninety (90) days from the date of submission of such application to hold any public hearings that they deem necessary

and approve or reject the same, unless such period is extended by agreement of the Board and the applicant. If the Board has not rendered a decision prior to the end of such ninety (90) day period or any extension thereof agreed to by the Board and the applicant, such application shall be deemed to be denied.

SECTION 6: Conditions for the Issuance of a Permit -

In order for a permit to be issued by the Board, the applicant must meet the following conditions:

(a) Comply with all Federal and State laws pertaining to the processing and/or disposal of the item or items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W that the applicant proposes to dispose of or process.

(b) Submit plans for the system of disposal or system of processing which will completely prevent water and air pollution as defined herein.

(c) Comply with all rules and regulations of the Environmental Protection Agency.

(d) Have a site in excess of three hundred (300) acres.

(e) Have a site located so that the access road thereto will not involve traveling in excess of one (1) mile on any Sheshequin Township roads.

(f) Maintain a fence around the perimeter of said site which will be at least six (6) feet high.

(g) Submit plans which will insure that there will be no discharge into underground water.

(h) Any and all other conditions that may be imposed by the Board.

The Board shall not issue a permit for a system to dispose of or process the items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W hereinabove, unless the processing system and disposal site plans and specifications are in compliance with all Federal laws and regulations, and all state laws and regulations, and all of the requirements of this Ordinance.

SECTION 7: Exception - Nothing in this Ordinance shall be deemed to apply to the use of livestock manure for fertilization purposes in connection with a farm operation.

SECTION 8: Notwithstanding anything to the contrary contained herein, the Board shall have the right to reject any and all applications if, in their opinion, the approval of same will not be in the best interests of the health and safety of the Township. The Board shall have the right even though said application meets all of the requirements of Section 6 hereinabove.

SECTION 9: Issuance - Upon a determination that the applicant meets the requirements to have a permit issued, said permit will be issued, with such conditions imposed by the Board as are needed to protect public health and safety as are determined by the Board.

SECTION 10: Restricted Areas - No permit for the disposal or processing of the items defined in Sections 2D, 2F, 2G, 2H, 2I, 2K, 2L, 2M, 2N, 2P, 2V, 2W hereinabove shall be issued for the following areas of Sheshequin Township:

(a) Any site located within one (1) mile of any creek, river, stream, brook, lake, pond and/or any place where any drinking water is stored for consumption by the public, or any well which is in use which supplies water to a farm operation, building or private residence, or which supplies water for livestock.

(b) Any site which is located within one (1) mile of any public park, playground, school or public recreation area.

(c) Any site which is less than three hundred (300) acres.

(d) Any site located within one (1) mile of any farm operation.

SECTION 11: Monitoring and Inspecting - The Board or its representatives, shall have the right at any time to make an on lot inspection of the site or disposal or processing system being used by the applicant. In addition, the Board shall have the right to monitor the system and site, and conduct any tests it deems necessary in order to determine if the applicant is complying with this ordinance and all other laws relating to the applicant's operation.

SECTION 12: If in the event the Board after inspection or monitoring, shall determine that there is a violation of State law, Federal law, this Ordinance, or that there is a danger to public health and safety, they shall notify the applicant by regular mail, to correct the problem. If the applicant does

not cure the problem within thirty (30) days after the date of said notice, then said permit shall be terminated on the thirty-first (31) day after the date of said notice.

SECTION 13: In no event may any of the items defined in Section 2-T be brought into the Township of Sheshequin for the purpose of disposal or processing therein.

SECTION 14: Storage, Use, Transportation, Disposal and Processing of Radioactive Material - Notwithstanding anything to the contrary herein, the transportation, disposal, storage, handling, preparation, use and processing of radioactive material and radioactive producing machines or equipment is prohibited within Sheshequin Township.

SECTION 15: Access Roads - If in the event a permit is issued, the Board shall designate the access roads in the Township that the applicant can use. It shall be a violation of this ordinance for the applicant to use any access roads other than those designated by the Board.

SECTION 16: Maintenance of Access Roads - The applicant shall be responsible to maintain all access roads. Every six (6) months the Board shall make a survey of the access roads used by the applicant, and shall give to the applicant instructions as to what must be done to maintain said roads. The applicant shall comply with said maintenance instructions within forty-five (45) days. If the applicant fails to comply with said instructions within forty-five (45) days after the date of said instructions, then in that event, the applicant's license will automatically terminate forty-six (46) days after the receipt of said maintenance instructions.

SECTION 17: Revocation of Permits - A permit shall be revoked at any time for any one or more of the following reasons, which shall be incorporated into a written revocation:

(a) When any change which has occurred in the physical conditions of any lands which will materially affect the operation of the disposal or processing of the item or items for which the permit is issued.

(b) When information material to the issuance of the permit has been falsified.

(c) Whenever in the opinion of the Board the further operation of said disposal site or processing site will result in a danger to public health and safety.

SECTION 18: Discharges to Underground Waters - Under no circumstances shall there be any discharge from the disposal or processing site unto underground water.

SECTION 19: Fees - If in the event a permit is issued by the Board, an annual fee of One thousand (\$1,000.00) dollars shall be paid by the applicant on or before January 1 of each and every year. For the first year of operation, said fee shall be paid simultaneously with the issuance of said permit without proration. The Board shall use the fee mentioned in the foregoing section in order to monitor and inspect the site where the disposal and processing of the items referred to in the permit are being disposed of or processed.

SECTION 20: Tax - If in the event a permit is issued by the Board, a tax of Five (\$5.00) dollars for every lineal foot or gallon if said is a liquid, of the items disposed of or processed shall be paid by the applicant.

SECTION 21: Transferability of Permits - permits are not transferable or assignable.

SECTION 22: Violations - Any violation of this Ordinance shall be punishable by a fine of Three hundred (\$300.00) dollars plus costs of prosecution. A new and separate offense shall be deemed to have been committed for each day that said violation exists.

SECTION 23: Severability - This ordinance is severable and should any section or provision hereof be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the rest of the Ordinance as a whole and it is hereby declared to be the legislative intent that this Ordinance is adopted as if such unconstitutional provision had not been included therein.

SECTION 24: Abatement of Nuisances - In addition to the remedies provided herein, any continued violations of this Ordinance which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

SECTION 25: Repealer - All other Ordinances or sections

thereof inconsistent with the provisions of this Ordinance are hereby repealed.

THIS ORDINANCE shall become effective immediately upon enactment and shall remain in force until modified, amended or rescinded by the Board of Supervisors of the Township of Sheshequin, Bradford County, Pennsylvania.

ENACTED, ORDAINED AND PASSED by the Board of Supervisors of Sheshequin Township, Bradford County, Pennsylvania, this 22ND day of MAY, 1981.

SHESHEQUIN TOWNSHIP SUPERVISORS

Donald R. Plue

Walter Cole

Rubert Hill

Attest:

MariLou Keir

MARILOU KEIR - SECRETARY
SHESHEQUIN TOWNSHIP SUPERVISORS
R. D. 1 — BOX 348
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DOWD & KOCSIS

by Michael J. Dowd, Solicitor