

ORDINANCE NO. 2 A

AN ORDINANCE AMENDING ORDINANCE NO. 2 PROHIBITING THE ACCUMULATION, DUMPING OR DEPOSITING OF ASHES, GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS IN THE TOWNSHIP OF HANOVER AND PRESCRIBING FINES AND PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED by the Supervisors of the Township of Hanover, Beaver County, Pennsylvania, and it is hereby enacted by the authority of the same:

ORDINANCE NO. 2, WHICH PRESENTLY READS:

[SECTION I

(a) The term "garbage", for the purposes of this Ordinance, shall consist of all vegetable and animal waste, including offal, carcasses, fat, bone, swill and animal and vegetable matter, or other organic substance, subject to fermentation or decay, resulting from the storage, handling, consumption and preparation of food. It shall not contain dishwasher water or other soapy water.

(b) The term "rubbish", for the purposes of this Ordinance, shall consist of mixed and waste fragments resultant from the use of household necessities, including but not limited to glass, china, metal, tin, wood, leather, rubber, carpeting, prunings from vines and shrubbery, and other foreign matter, but excepting ashes and garbage.

(c) The term "ashes", for the purposes of this Ordinance, shall include coal ashes, coke ashes, wood ashes and ashes result-

ing from other fuels used for cooking and heating purposes.

(d) The term "person", as herein used, shall be taken to mean an individual or individuals, company, partnership, firm, association, corporation, or municipality other than the Township of Hanover, Beaver County, Pennsylvania.

SECTION II

(a) No person shall dump, deposit or accumulate ashes, rubbish, garbage or other refuse materials within the Township of Hanover, Beaver County, Pennsylvania.

(b) No person shall use or permit to be used any spot or place within the Township of Hanover as a public or private dump for garbage, ashes, rubbish or other refuse.

SECTION III

(a) Nothing in this Ordinance shall be construed to prevent or prohibit any person engaged in the business of farming from maintaining a manure pile upon which may be thrown garbage originating on such farm, or from disposing of any ashes or rubbish originating on such farm on land occupied by him so long as it is at least fifty feet from a public right of way and so long as a nuisance does not result therefrom.

(b) Nothing in this Ordinance shall prevent or prohibit any person from burying garbage on land owned by him in a pit or trench dug for that purpose provided that such garbage originated on such land and provided further that the garbage is immediately covered with a layer of dirt so that it does not become offensive or a nuisance.

(c) Nothing in this Ordinance shall prevent any person from building or maintaining a compost pile, consisting of lawn, hedge and shrubbery clippings, leaves, weeds and soil.

SECTION IV

(a) Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution for each separate offense, and in default of payment of such fine and costs, to imprisonment for not more than fifteen (15) days for each separate offense.

(b) Each day's continuance of a violation shall constitute a separate offense.

(c) All fines levied, assessed and paid under the terms of this Ordinance shall be payable to the Treasurer of the Township for the general use of the Township.

SECTION V

Any Ordinance or part of ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed.]

IS HEREBY AMENDED TO READ:

Section 1. Definitions.

As used in this Ordinance:

(a) "Garbage" means the refuse of all animal and vegetable matter which has been used or intended to be used

for the food of man, including offal, condemned meat and food, all dead animals or parts thereof, tin cans and bottles that have contained eatables and paper actually used in the wrapping of garbage.

(b) "Rubbish" means all rubbish and household rubbish, including ashes, tin cans, bottles, broken crockery, glassware, household furniture and fixtures, pots, pans and metalware, etc., junked automobiles and trash and rubble from demolition of buildings, but does not include bricks, stones or concrete blocks.

(c) "Inflammable materials" means, but is not limited to, such matter and materials as paper, boxes, crates, lumber, shingles, roofing material, tree limbs, excelsior, straw, rags, clothing, any containers that have been used for the storage of gasoline, oil, kerosene, tar and other like products, tires, junked automobiles, hot slag and other gaseous materials.

(d) "Clean fill" means broken concrete, concrete block, cinder block, brick, ashes, cinders, slag, stone and dirt.

(e) "Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed or, or otherwise managed.

(f) "Industrial waste" means all solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughter houses and steel mills.

(g) "Normal farming operations" means the customary and generally accepted activities, practices and procedures that farmers adopt, use and/or engage in year after year in the production and preparation for market of poultry, livestock, and their products; and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquicultural crops and commodities. It includes the storage, composing, and utilization of agricultural and food process wastes for animal feed, and includes the agricultural utilization of septic tank cleanings and sewage sludges which are generated off-site. It also includes the management, collection, storage, composting, transportation, and use of manure, other agricultural waste, and food process waste on land where such materials will improve the condition of the soil, the growth of crops, and/or aid in the restoration of the land for the same purposes.

(h) "Person" means any natural person, association, corporation, partnership, lessor, lessee and their officers, agents or employees.

Section 2. Unlawful Deposits; Dumping.

No person shall keep or permit to remain upon his premises or on any private property, any garbage, rubbish, inflammable material, hazardous waste or any other offensive, dangerous or unwholesome matter, or cast the same upon any lot

or piece of ground within the Township, or in and upon the streets, alleys, highways or thoroughfares of the Township or in or upon the shores or margins of any body of water, or into any stream or other body of water or sewer, nor shall any person use or permit to be used, any lot, place or piece of ground within the Township as a public or private dump for garbage, rubbish, hazardous waste and inflammable materials.

Section 3. Exceptions.

(a) Nothing in this Ordinance shall be construed to prevent or prohibit any person engaged in the business of farming from maintaining a normal farming operation or a manure pile upon which may be thrown garbage originating on such farm, or from disposing of any ashes or rubbish originating on such farm on land occupied by him so long as it is at least fifty (50) feet from a public right of way and so long as a nuisance does not result therefrom.

(b) Nothing in this Ordinance shall prevent or prohibit any person from burying garbage on land owned by him in a pit or trench dug for that purpose provided that such garbage originated on such land and provided further that the garbage is immediately covered with a layer of dirt so that it does not become offensive or a nuisance.

(c) Nothing in this Ordinance shall prevent any person from building or maintaining a compost pile, consisting of lawn, hedge and shrubbery clippings, leaves, weeds and soil.

Section 4. Controlled Land Fill.

(a) Controlled land fill will be permitted where the same is done in accordance with the rules and regulations of the Commonwealth and/or as permitted under the rules and regulations of the County Health Department. In such instances, in addition to clean fill which is always permissible, rubbish may be deposited, except junked automobiles. However, any person engaging in the operation of a controlled land fill shall first make application to the Board of Supervisors, giving the location of the property site and a plan of the entire property, which plan shall show any buildings thereon, sewers, streams, poles and overhead wires, etc., and shall also furnish the Township any other information that may be requested. In addition thereto, the operator of the proposed land fill shall, at his expense, furnish an inspector, selected by the Township, who shall be present at all times when dumping is being done. Such inspector shall furnish weekly reports to the Township, and more often when requested, concerning the operation of the dump, the number of truck loads, the type of material deposited, the thickness or depth of the material deposited and the type and thickness of the intermediate layer or seal used. In case of violation, the inspector shall immediately stop all dumping operations and immediately notify the Township Supervisors of his action and cite the violation that has occurred.

(b) In addition to the requirements of subsection (a) hereof, a performance bond of an approved surety company shall be furnished in such sum as the Board of Supervisors prescribes, and the bond shall be conditioned on the faithful performance

of the work in strict compliance with the provisions of this Ordinance. All legal fees incurred by the Township, together with any other costs, shall be paid by the owner/operator of the proposed land fill.

Section 5. Fines and Penalties.

(a) Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 and costs of prosecution for each separate offense and, in default of payment of such fine and costs, to imprisonment for not more than fifteen (15) days for each separate offense.

(b) Each separate dumping in violation of this Ordinance shall constitute a separate offense.

(c) Each and every day a person is in violation of this Ordinance shall constitute a separate offense.

(d) All fines levied, assessed and paid under the terms of this Ordinance shall be payable to the Treasurer of the Township of Hanover for the general use of the Township.

Section 6. Conflicting Ordinances.

Any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance shall be and is hereby repealed.

DULY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, BEAVER COUNTY, PENNSYLVANIA, THIS 27th DAY OF February, 1982.

ATTEST:

William B. King
Secretary

HANOVER TOWNSHIP BOARD OF SUPERVISORS

Gene C. Roberts
Walter Schmidt
Phillip N. Reed