

Chapter 20

Solid Waste

Part 1 Sanitary Landfills

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Part 1**Sanitary Landfills****§20-101. Short Title.**

This Part shall be known and may be cited as the “Thornhurst Township Ordinance for the Regulation of Sanitary Landfills.”

(*Ord. 23, 6/8/1989, §1; as amended by Ord. 41, 11/10/2011*)

§20-102. Definitions.

Person—any individuals or individual, partnership, firm, association, or corporation, singular or plural, including the executive officers of any association or corporation and the partners of any partnership or firm.

Refuse—any waste material as defined in the Pennsylvania Solid Waste Management Act, 1980, July 7, P.L. 380, No. 97 §101 *et seq.*, 35 P.S. §6018.101 *et seq.*, as amended, except hazardous waste, as it is defined in said Act as of September 25, 1981.

Sanitary landfill—any land site on which engineering principles are utilized to bury deposits of refuse, garbage, and other discarded materials without creating public health or safety hazards, nuisances, pollution or environmental degradation.

(*Ord. 23, 6/8/1989, §2*)

§20-103. Regulations.

Any person who maintains, or shall hereafter maintain, whether for commercial purposes or otherwise, any place within the Township for the dumping, depositing, storing or treatment of refuse shall operate and maintain such place as a sanitary landfill in strict accordance with the following provisions and regulations:

A. Such person shall apply for and obtain a license from the Board of Supervisors of the Township as follows:

(1) Any person operating and maintaining or desiring to operate and maintain a place for the dumping, depositing, storing or treatment of refuse shall apply to the Secretary of the Township for a license to operate a sanitary landfill and shall tender the license fee as hereafter fixed from time to time by resolution of the Board of Supervisors. [*Ord. 41*]

(2) The license application shall set forth the full name and address of the applicant, a complete description, including legal description, of the land upon which the sanitary landfill is being maintained, the total acreage of the landfill site owned by the applicant, the acreage of the site or sites on said property where refuse will actually be dumped, deposited, stored or treated and a scale drawing showing the location of same on the landfill site in relation to streams, public roads and the boundaries of the landfill property. A list of equipment available for use in maintaining the landfill site, and the name, address and qualifications of each individual who will be in charge of the landfill site during the hours it shall be open.

(3) The Secretary shall submit the application to the Board of Supervisors

at or before the next regularly scheduled meeting of the Board of Supervisors, and if the landfill site meets the requirements of this Part, complies with the zoning regulations of the Township, and the requirements of the Commonwealth, the Board of Supervisors shall issue a license for the operation of a sanitary landfill thereon.

(4) Said license shall be valid for the calendar year for which it is issued, or any portion thereof if issued after the beginning of the calendar year, unless sooner revoked for causes as hereinafter provided in this Part.

(5) Said license shall be renewed for an additional one year period if, at the time of renewal, the landfill site meets all the requirements of this Part, and the licensee certifies that the information required in the application under subparagraph (2) remains true and correct as of the date of renewal.

(6) The Board of Supervisors may revoke any license previously issued for the operation of a sanitary landfill if the Board finds, after investigation and hearing, that the landfill is not being operated in strict accordance with the provisions of this Part.

(7) An applicant may apply for a license at any time of the year. However, an applicant applying for renewal of a license shall submit his application on or before the regular November meeting of the Township Board of Supervisors at either the regularly scheduled November or December meeting.

(8) The license fee for the operation of a sanitary landfill shall be in an amount as established from time to time by resolution of the Board of Supervisors. The license fee shall be submitted with the application for the license. In the event an application for a license is denied for any reason, the Township shall retain an amount as established from time to time by resolution of the Board of Supervisors as administration fee and the balance thereof returned to the applicant. [*Ord. 41*]

B. A competent adult individual shall be present at and in charge of the landfill at all times during which it is operating/open. Such competent adult individual shall be directly responsible to the owner or lessee of the landfill.

C. A daily register of all persons who bring refuse to the site shall be kept by the person in charge of the landfill, and said register shall set forth: the full name of each person, firm, corporation, or other entity who brings refuse to the landfill, the address of said person, firm, corporation or entity, the type and quantity of refuse being brought to the landfill, and the place of origin of the refuse.

D. The daily register required in paragraph .C above shall be open and available for inspection by the Board of Supervisors or its duly authorized officer when the landfill is open and/or operating, or made available not later than 48 hours after demand to said person for inspection.

E. The landfill shall be open, and dumping and depositing therein shall be permitted only from 7 a.m. to 5 p.m., Monday through Friday, and 7 a.m. to 12 noon on Saturday.

F. The landfill site shall be closed by a gate at each of the driveways and entrances to, and at each of the driveways and exits from, the same at all times that the site is not open for dumping and depositing.

G. The landfill site shall be closed whenever the competent adult person in charge thereof, as required in paragraph .B hereof, is not present at the site.

H. No fires or burning of any waste shall be permitted at the landfill site, and any fires thereon which may start by spontaneous combustion or from any other cause whatsoever, shall be promptly and completely extinguished.

I. The landfill site shall be kept free from uncovered refuse, junk, and any other discarded material.

J. No dumping, depositing, storage or treatment of refuse shall be permitted within 500 feet of any public road, or within 500 feet of the property lines of the landfill.

K. The landfill shall be operated and maintained in strict compliance with the regulations of the United States Environmental Agency and the Pennsylvania Department of Environmental Protection as the same are now in effect and as amended from time to time under which the landfill is licensed and to which the landfill is subject. [*Ord. 41*]

L. Upon request by the Board of Supervisors of the Township or its duly authorized officer, and without cost to the Township, the landfill owner shall provide to the Board of Supervisors of the Township or its duly authorized officer the results of any and all tests which it must perform as a result of compliance with the regulations of the Pennsylvania Department of Environmental Protection and/or the Environmental Protection Agency. [*Ord. 41*]

M. The landfill owner shall maintain equipment and personnel available at all times the landfill is open for the purpose of cleaning any spill of any refuse upon any public or private road or property within the Township from any vehicle bringing refuse into the landfill, or to the landfill.

N. The landfill owner and/or person in charge shall immediately report to the Township Supervisors and to the Township Emergency Coordinator as soon as he becomes aware of either the leaking or seepage of any refuse material into underground or surface water, or the spilling of any refuse upon any public or private road or property in the Township.

(*Ord. 23, 6/8/1989, §3; as amended by Ord. 41, 11/10/2011*)

§20-104. Operate or Permit to Be Operated.

No person shall operate or permit to be operated any truck or other vehicle carrying refuse within the Township unless such vehicle is secured so that no refuse leaks or blows from said vehicle onto any public or private road or property.

(*Ord. 23, 6/8/1989, §4*)

§20-105. Board of Supervisors.

1. The Board of Supervisors of the Township hereby declare any accumulation of refuse in violation of this Part to be a nuisance, and the Board of Supervisors shall give written notice to the owner or owners of the land upon which said waste or refuse is deposited in violation of this Part to remove, or cause to be removed such waste, or to abate such nuisance, and upon failure of such owner or owners to remove such waste, or to abate such nuisance, within a 20-day period after such notice to remove or abate

the same, the Board of Supervisors may cause said land to be entered upon and said waste removed and/or said nuisance abated, and may collect the costs of such removal and/or abatement from the owner or owners of said land according to law.

2. In addition, the Township may institute proceedings in a court of equity or other appropriate court to effect the removal of such material and/or the abatement of such nuisance.

(*Ord. 23, 6/8/1989, §5*)

§20-106. Penalties.

Any person who violates any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. A new and separate offense shall be deemed to have been committed for each day said violation exists.

(*Ord. 23, 6/8/1989, §6; as amended by Ord. 41, 11/10/2011*)