



Clifford Township
Ordinance 2 2007

Purpose of updating Ordinance 3 1980

An ordinance relating to the disposal of waste, the requirement of a license for the establishment, maintenance, or enlargement of dumps, land fills, incinerators, and junkyards within the township of Clifford. Prescribing penalties and violations thereof.

Section 1 Definition

- 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 Vehicle Laws of the Commonwealth of Pennsylvania but not including garbage of 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 Clifford, 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, (exception: recyclable materials the township collects) 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.

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 cart way of any public road, or within one hundred (100) yards of any creek or stream, 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 of occupation or any premises within the Township of Clifford, in any manner so as to violate the provisions of this section is hereby declared to be a nuisance per se.

Section 5 No person shall establish, maintain, or enlarge a public or private waste dump without first obtaining a license from the Supervisors of Clifford Township. All persons desiring such licenses shall apply in writing to the Secretary of Clifford 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 approximate distance from them that the waste dump, or other such similar item is proposed. The fee for such license shall be Twenty-Five Dollars (\$25) per year or portion thereof.

Section 6 The duties of such licensed waste dump operators shall be as follows:

- A. To operate and maintain the waste dump only in an area approved by the supervisors of Clifford 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 be permitted to accumulate without being covered for a period in excess of three (3) days;
- C. To abstain absolutely from burning or permitting or burning waste;
- D. To comply with reasonable instructions of the Clifford Township Supervisors;

- E. To comply with the laws of the Commonwealth of Pennsylvania and the regulations of the Pennsylvania Department of Health and the Pennsylvania Department of Environmental Protection;
- 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 No license or renewal of license shall be issued to any person who within five (5) years immediately preceding the date of his application shall have been convicted for a felony or misdemeanor or crimen falsi.

Section 9 Duties of Supervisors – standards,

- A. Grant license only if Supervisors are satisfied that the 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 Justice of the Peace, be subject to a fine of not less than Twenty – Five Dollars (\$25) nor more than Five Hundred Dollars (\$500) and the cost 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 to 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 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 7th day of October 1980 in lawful session duly assembled by: Paul Vauter, Dennis S. Pfall, and L. M. Abbott,

Revised, enacted and ordained this 10th day of July 2007 by:

CLIFFORD TOWNSHIP

BOARD OF SUPERVISORS

Chairman John Regan

SEAL

Vice Chairman Dennis Knowlton

Treasurer Rene` Reynolds Secretary/

Supervisor Randolph LaCroix