

HAZARDOUS WASTE MANAGEMENT ORDINANCE

TOWNSHIP OF LIBERTY, ORDINANCE # 11

An ordinance prohibiting the accumulation, burying, processing or disposal of hazardous waste upon property in said Township of LIBERTY, Susquehanna County, Pennsylvania. It may be known and cited as the "LIBERTY Township Hazardous Waste Ordinance".

WHEREAS, it is the purpose and intention of this Ordinance enacted under the power of the Township of LIBERTY Supervisors, Susquehanna County, Pennsylvania, to prohibit the accumulation, burying, processing or disposal of hazardous waste in order to maintain, provide for and protect the health, safety and sanitation of its Township. Adopted pursuant to the authorities of the Pennsylvania Solid Waste Management Act, which provides for municipal regulation of the storage and collection of solid wastes, and the Second Class Township Code, which provides for the prohibition of nuisances.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors, of the Township of LIBERTY, Susquehanna County, Pennsylvania, as follows:

Section 1 - Definitions - The following words, terms and phrases when used in this Ordinance shall have the meaning hereinafter ascribed to them, except when the context clearly indicates a different meaning:

Hazardous Wastes: Shall mean all flammables, toxics, poisons, reactives, corrosives, low-level nuclear waste materials and high-level nuclear waste materials, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or;

(2) Pose a substantial present or potential hazard to human (or animal) health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Disposal: The dumping, burying or release of any hazardous wastes anywhere within LIBERTY Township.

Storage: The holding or temporary deposit of hazardous wastes anywhere within LIBERTY Township, above or below ground.

Processing: The treatment, preparation or handling of hazardous waste by some special method.

Person: Every natural person, firm, corporation, partnership, association or institution.

Section 2 - Prohibition - It shall be unlawful for any person to accumulate, bury, process or dispose of hazardous wastes within the limits of LIBERTY Township.

Section 3 - Penalty - Any person or any officer of any firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before a District Magistrate or Justice of the Peace of Susquehanna County, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 per violation together with costs of prosecution or imprisonment in the Susquehanna County jail for a period of not more than 30 days. Any person or any officer of any firm or corporation shall upon conviction be liable for all costs associated with the restoration of the area to the same environmental state that prevailed prior to the violation.

In the case of any continuing action or remaining instances in violation of this Ordinance, the Township Board of Supervisors may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate the problem constituting a violation.

Section 4 - Validity - Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 5 - Repeal - All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6 - Enactment - Enacted into Law this 6 day of April, 1985, to be effective five days hereafter.

ATTEST:

Connie L. Whitney

William J. Bayre Jr.

Dewey S. Lyon

Board of Supervisors