

ORDINANCE No. 1999-5

**AN ORDINANCE TO PROTECT THE HEALTH AND THE ENVIRONMENT OF THE CITIZENS OF PARADISE TOWNSHIP BY PROVIDING FOR AND ENFORCING UNIFORM STANDARDS COVERING THE STOCKPILING OF AGRICULTURAL WASTE; AUTHORIZING THE INSPECTION OF LANDS STOCKPILING AGRICULTURAL WASTE; AND FIXING PENALTIES FOR VIOLATIONS.**

BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF PARADISE TOWNSHIP, YORK COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME AS FOLLOWS:

**SECTION 1: GENERAL PROVISIONS**

The Ordinance shall be known and may be cited as The Land Application of Agricultural Waste Ordinance of Paradise Township, York County, PA.

**SECTION 2: DEFINITIONS**

The following terms shall have the meanings defined in this section wherever they are used in this ordinance.

**Adjacent Areas:** Lands that abut an agricultural waste stockpile site within the boundaries of the property on which the site is located.

**Agricultural Waste:** Animal manure; spoiled feed, grain, hay or straw; animal carcasses or parts thereof.

**Inspection/Audit:** Inspection and post application surveillance, audit and reporting on land applications of agricultural waste.

**Occupied Building:** Any building used for the occupation of humans for living quarters or working purposes.

**Ordinance:** The Land Application of Agricultural Waste Ordinance of Paradise Township and any subsequent

**Person:** Any individual, natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state or local government, contractor, or any officers, agents, employees, factors, or any kind of representatives

of any thereof, in any capacity acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties. The masculine, feminine singular or plural is included in any circumstances.

**Stockpile:** Any mass or accumulation of material, or open pile or stack, in outdoor or open storage, or storage in a building without total enclosure.

**Township:** References Paradise Township and/or Paradise Township Board of Supervisors or their agent.

### **SECTION 3: AUTHORITY**

**Section 3.1** This Ordinance is adopted and enacted pursuant to the authority granted to The Township by all relevant state and federal law including but not limited to the following:

A. The provisions of the Second Class Township Code Article VII, as codified in 53 P.S. Section 65701, et seq., authorizes the township to enact ordinances dealing with the protection of the township residents health, regulation of refuse material and nuisances and promotion of public safety.

B. The provisions of the Second Class Township Code Article VII, as codified in 53 PS Section 65701, et seq., to provide for the protection and preservation of the natural resources, human resources, and to promote, protect, and facilitate public health, safety and welfare and to preserve and protect farmland, woodland and the recreational uses of the land within the Township.

C. Act 537 Paradise Township Official Sewage Plan as updated 1992.

And recognizes the additional authority of

D. Pennsylvania Constitution, Article 1, Section 27:

E. Municipal Waste Regulations, 25 Pa code, Section 271 et seq., unless otherwise specified.

F. Pennsylvania Air Pollution Control Act 35 PS Section 4001, et seq.

G. Clean Air Amendment of 1977, 42 U.S.C. Section 7416 and 7422.

H. Safe Drinking Water Act, 1974 of Federal Regulations as amended, 1986.

### **SECTION 4: SETBACK REQUIREMENTS**

Boundaries of the land where agricultural waste will be applied, including all setback requirements. The following setback requirements must be met:

- a) 500 feet of an intermittent or perennial stream.
- b) 500 feet of a water source.
- c) 500 feet upgradient of a surface water source.
- d) 500 feet of a property line.
- e) 500 feet measured horizontally from an occupied dwelling.
- f) 500 feet from the centerline of roadway.

## **SECTION 5: REQUIREMENTS AND STANDARDS**

The stockpiling of the agricultural waste shall comply with the following Requirements and Standards.

- A. No agricultural waste shall be stockpiled on lands so as to discharge into any lake, stream, pond, well or any other waters and must be protected from storm water runoff, erosion and washout by whatever means necessary, including straw bale dikes, earth mound dikes and silt fences.
- B. No agricultural waste shall be stockpiled on land where the location of such shall constitute an environmental or health hazard.
- C. Any amount of agricultural waste shall be incorporated into the land on which it is stockpiled within 90 days from the time the stockpile is initiated.
- D. All stockpiled agricultural waste must be covered with a suitable waterproof tarp, except stockpile agricultural waste produced in Paradise Township.

## **SECTION 6:**

A representative of the Township may inspect the site of the agricultural waste stockpiling to ensure that this Ordinance is complied with.

## **SECTION 7: ENFORCEMENT**

**Section 7.1: Notice of Violation:** Whenever the Paradise Township Supervisors or their agent determines that there has been a violation of any provision of this Ordinance or any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow five days for the performance of any act it requires; (d) be served upon the owner or his agent as required by the laws of the Commonwealth; and (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance or part thereof, and with the regulations adopted pursuant thereto.

**Section 7.2: Enforcement Penalties:** Any person that violates the provision of this Ordinance shall upon conviction thereof in proceedings commenced by Paradise Township, shall pay a fine of not less than six hundred (\$600) plus court costs, including reasonable attorneys fees, incurred by the municipality. No judgment shall be imposed until the date of the determination of a violation by the district justice.

**SECTION 8: VALIDITY**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Duly enacted and as ordained this 14 day of June, 1999, by the Board of Supervisors of Paradise Township, York County, Pennsylvania, in lawful session duly assembled:

**PARADISE TOWNSHIP BOARD  
OF SUPERVISORS**

**Attest:**

*Judy M. Katz*

By: *Dean H. Buntzel*  
Supervisor

By: *James A. Pappalardo*  
Supervisor

By: *[Signature]*  
Supervisor