

**BOROUGH OF PICTURE ROCKS
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 99-3

AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS, LYCOMING COUNTY, PENNSYLVANIA, PROVIDING FOR THE STORAGE, COLLECTION AND DISPOSAL OF WASTE AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania, and the same is hereby **ENACTED AND ORDAINED** by authority of the same as follows:

Section 1. - Definitions

The following words and phrases when used in this Ordinance shall have, unless the conduct clearly indicates otherwise, the meanings given to them in this section:

Borough: the Borough of Picture Rocks.

Compost: a process of controlled biological decomposition of organic materials, producing a stable, aerobic humus-like product.

Disposal: the incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the solid waste or a constituent of solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Disposal Area: any site, location, area, incinerator, resource recovery facility or premises to be used for the ultimate disposal of municipal waste.

Municipal Waste: any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation or residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous wastes as defined in the Pennsylvania Solid Waste Management Act (35 P.S. §6018.101, et seq.) from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

Person: any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Refuse: all materials which are discarded as useless.

Solid Waste: any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

Storage: the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Section 2. - Storage, Collection and Disposal Restrictions

It shall be unlawful for any person to store, dispose, dump, discard or deposit or permit the storage, dumping, discarding of any municipal waste or solid waste upon the surface of the ground or underground within the jurisdictional limits of the Borough, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers. This section is not intended to prohibit use of a properly maintained home compost pile.

Section 3. - Dumping Prohibited

It shall be unlawful for any person to dump or deposit municipal waste or solid waste in any stream or body of water within the jurisdictional limits of the Borough or upon property owned or controlled by the Borough or a municipal authority of the Borough.

Section 4. - Farming and Gardening

Nothing contained in this section shall prohibit a farmer or gardener from carrying out the normal activities of his farming/gardening operation, including composting and spreading of manure or other farm produced agricultural wastes.

Section 5. - Violation and Penalties

A. Any person violating any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 plus costs of prosecution, and in default thereof be sentenced to term of imprisonment not to exceed thirty (30) days. Each day shall constitute a separate violation.

B. Nothing herein shall preclude the Borough from disposing of any municipal waste or solid waste which was stored, disposed of, dumped, discarded or deposited in violation of Sections 2 and 3 from collecting the costs of such disposal from the person in violation and in the manner provided by law for the collection of municipal claims or by an action of assumpsit, provided that the recovery of said costs may be in addition to any penalty imposed under Subsection A of this Section.

Section 6. - Effective Date

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED this 13th day of September, 1999.

ATTEST:

BOROUGH OF PICTURE ROCKS

By: William M. Dorman
William Dorman, Secretary

By: Eugene Otterbein
Eugene Otterbein, Council President

APPROVED this 13th day of September, 1999.

By: David Bender
David Bender, Mayor