

SOUTH HUNTINGDON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 26

AN ORDINANCE PRESCRIBING REGULATIONS AND LICENSE FEE FOR ANY BUSINESS, BUSINESS ENTITY OR CORPORATION THAT IS A CREATOR, STORER OR DEPOSITOR OF WASTE TO PROTECT THE HEALTH, SAFETY AND MORALS OF THE RESIDENTS OF THE TOWNSHIP OF SOUTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Township of South Huntingdon hereby ordains and enacts:

1. The term "waste" shall include any waste including but not limited to residual and hazardous waste. Waste shall mean any damaged, defective or superfluous material, including but not limited to, liquid, gaseous, semisolid or solid, produced during, escaping from, left over from or rejected during a manufacturing, mining, drilling, agricultural or industrial operation and/or process.
 - a. In addition to "waste" as defined above, "residual waste" shall mean any non hazardous garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous material resulting from industrial, mining, drilling and agricultural operations.
 - b. In addition to "waste" as defined above, "hazardous waste" shall mean any discarded material including solid, semisolid, liquid, or contained gaseous material resulting from commercial, industrial, mining, drilling or agricultural operations which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
2. Every business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania, shall pay a public safety fee to the Township Secretary, which fee shall be in the sum of Five Hundred (\$500.00) Dollars and shall include from the business, business entity or corporation a detailed declaration of the type of waste created, stored or deposited. Such payment and declaration shall be made before commencement of operations and on an annual basis thereafter.
3. Every business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania, shall not locate any aspect of their operation which creates, stores or deposits waste within:
 - a. 900 feet measured horizontally from an occupied dwelling;
 - b. 100 feet of a property line; and
 - c. 100 feet of a public road or roads.
4. Every business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania shall erect a chain link fence around their operations, as prescribed in Ordinance No. 25 of South Huntingdon Township, Westmoreland County, Pennsylvania.
5. Every business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania shall not permit any odors, noxious or otherwise, dust, gas or excessive noise to leave the confines of


their property located entirely or partially within South Huntingdon Township, Westmoreland County, Pennsylvania.

6. Every business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania shall be prohibited from creating, causing, carrying on, or the like, of any activity, of any nature or kind, which creates a nuisance.
 - a. A business, business entity or corporation will be deemed to have created a nuisance if that business, business entity or corporation, in any manner, causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another in the legitimate enjoyment of her or his reasonable rights of person and property.
 - b. In addition to the penalties prescribed in Paragraph 7 below, the Township of South Huntingdon shall have the right to ask any court of competent jurisdiction to enjoin any business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania, that is creating a nuisance, from conducting business or operating in any fashion within the Township of South Huntingdon, Westmoreland County, Pennsylvania along with the legal fees and costs incurred by South Huntingdon Township in seeking to enjoin such business, business entity or corporation from conducting business or operating in any fashion.
7. Any Individual, business, business entity or corporation that is a creator, storer or depositor of waste within the Township of South Huntingdon, Westmoreland County, Pennsylvania who or which shall violate any of the provisions of this Ordinance, shall, upon conviction thereof before any Magisterial District Judge, be sentenced to pay a fine of One Thousand (\$1,000.00) Dollars and the costs of prosecution including reasonable attorneys fees, PROVIDED, each day's continuation of a violation of any of the provisions of this Ordinance, shall constitute a separate offence
8. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Township that such determination by the court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Township that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.
9. This Ordinance shall take effect immediately upon the date of adoption.

ORDAINED and ENACTED this 15th day of October 2015

TOWNSHIP OF SOUTH HUNTINDON


BY: EDDIE TROUP

ATTEST: 
Cindy Thorne, Secretary

Amended October 2015