

CHAPTER 20
SOLID WASTE

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PART 1**LICENSING AND REGULATION OF SANITARY LANDFILLS****§20-101. Short Title.**

This Part shall be known and may be cited as “Oley Township Ordinance for Licensing and Regulation of Sanitary Landfill.”

(Ord. 190, 11/12/1984, §1)

§20-102. Definitions.

PERSON - any individual or individuals, partnership, firm, association or corporation and specifically including the partners, officer and directors thereof.

REFUSE - any waste material constituting “solid waste” as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. §6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this Part.

SANITARY LANDFILL - any land site used to dump, bury or deposit, store or treat refuse.

(Ord. 190, 11/12/1984, §2)

§20-103. License Required.

No person shall maintain or continue to maintain, whether for commercial purpose or otherwise, any place within Oley Township, Berks County, for dumping, burying or depositing, storing or treating refuse unless such place is licensed by the Board of Supervisors of Oley Township as a sanitary landfill. Application for such license shall be made to the Board of Supervisors of Oley Township and shall contain the following information:

- A. The name and address of the applicant.
- B. A plan drawn to scale indicating by metes and bounds the land upon which the sanitary landfill is to be maintained, the area presently in use as a sanitary landfill, the area intended to be used as a sanitary landfill in the future and the area for which permit has been granted by Department of Environmental Protection under the Solid Waste Management Act, aforementioned, or any other pertinent statute and all streams and public roads within 500 feet of any present landfill, intended landfill or permitted landfill. *[Ord. 311]*

- C. A list of equipment available for use in maintaining the landfill site.
- D. The name and address of each individual who will be in charge of the landfill site during hours of operation.
- E. The type of refuse to be accepted.
- F. Certificate of insurance including liability for pollution together with copy of insurance policy satisfactory to Board of Supervisors of Oley Township.

(Ord. 190, 11/12/1984, §3; as amended by Ord. 311, 6/14/2004, §1)

§20-104. Term of License.

A license issued for a sanitary landfill, hereunder shall be valid for the calendar year for which it is issued and upon application may be renewed on a year to year basis thereafter. All applications shall be acted upon by the Board of Supervisors of Oley Township within 45 days of filing with the Secretary of the Board. No license shall be effective until approved by the Board of Supervisors at a regular meeting.

(Ord. 190, 11/12/1984, §4)

§20-105. Revocation and Refusal.

The Board of Supervisors may revoke or refuse any license previously issued for the operation of a sanitary landfill if the Board finds, after investigation and hearing, that the landfill has been operated in violation of the regulations set forth in this Part or any other ordinance of Oley Township, including the Oley Township Zoning Ordinance [Chapter 27] or any pertinent laws or regulations of the Commonwealth of Pennsylvania or of the United States of America.

(Ord. 190, 11/12/1984, §5)

§20-106. License Fee.

The license fee for the operation of a sanitary landfill shall be \$1,200 for each calendar year or \$100 for each month or portion thereof in the case of a permit for less than a calendar year payable in full at the time of application.

(Ord. 190, 11/12/1984, §6)

§20-107. Regulations.

1. The licensee shall comply with all pertinent laws and regulations of the Commonwealth of Pennsylvania and of the United States of America or any department, agency or authority thereof.
2. A competent adult individual directly responsible to the licensee shall be present at and in charge of the landfill at all times during operation.
3. A daily register shall be kept containing the full name and address of each person, firm, corporation or other entity bringing refuse to the landfill, containing the license number of any vehicle involved and specifying the type and quantity of refuse and the place of origin or such refuse.
4. The daily register required in subsection (3) above shall be open to inspection by the Board of Supervisors or its duly authorized representative at all times during business hours.
5. Except in the case of an emergency because of adverse weather conditions, in which case notice shall be given to the Township, the hours of operation shall be restricted to 7 a.m. until 5 p.m. Monday through Friday and 7 a.m. until 12 noon on Saturday.
6. The landfill site shall be closed by a locked gate at each entrance and exit when the landfill is not open or in operation.
7. There shall be no fire or burning of any waste at the landfill site.
8. There shall be no uncovered waste, junk or other discarded material at the landfill site at the close of a working day.
9. There shall be no dumping, depositing, storage or treatment of refuse within 200 feet of any public road or any property line of the landfill and reasonable visual screening composed of trees and so forth shall be provided.
10. Upon request of the Board of Supervisors of Oley Township or its duly authorized representative, the licensee shall provide the results of any and all tests required by the Pennsylvania Department of Environmental Protection and/or the Environmental Protection Agency. *[Ord. 311]*
11. The licensee shall remove and clean any refuse spilled upon any public or private road or property within Oley Township from any vehicle carrying refuse to the landfill and shall have equipment and personnel available at all times for such cleaning and removal.
12. The licensee shall prevent any refuse dumped, buried, deposited, stored or treated at its landfill from blowing, leaking, seeping or otherwise escaping the sanitary landfill onto any other public or private property in Oley Township. In the event of a violation of this regulation in addition to the other penalties provided herein, the

licensee shall remove and/or clean any such refuse within 24 hours unless prevented from doing so in an emergency caused by adverse weather conditions.

(Ord. 190, 11/12/1984, §7)

§20-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 190, 11/12/1984, §8; as amended by Ord. 311, 6/14/2004, §1)

PART 2**DEPOSITING OF REFUSE AND WASTE MATTER WITHIN THE TOWNSHIP****§20-201. Depositing of Waste on Public or Private Property Prohibited.**

No trash, rubbish, garbage, fecal matter, sewage, ashes, junk, paper or other refuse and waste matter of any kind shall be thrown, deposited or dumped in any ravine, quarry, ditch or gutter or any highway, road, street, avenue, lane, alley, bridge, sidewalk or footpath in the Township of Oley nor on any public place or private property, whether vacant or occupied, within the limits of the said Township.

(Ord. 210, 5/11/1987, §1)

§20-202. Burning Prohibited.

No leaves, grass, weeds, hedges, tree trimmings or any other material shall be burned within the boundaries of any public highway within the Township of Oley nor shall any fire be made at any location which might cause damage to a highway or street paving.

(Ord. 210, 5/11/1987, §2)

§20-203. Drainage of Any Type on to Streets Prohibited.

It shall be unlawful for any person, firm, association or corporation owning or occupying property along any public highway, road, street, avenue, lane or alley in the Township of Oley to drain or allow to flow into or upon any highway, road, street, avenue, lane or alley, by pipe or any other channel and whether natural or artificial, any water or drainage from bathtubs, sinks, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever or any other foul, or offensive water or drainage of any kind or to allow such water or drainage to percolate into or upon said highway, road, street, avenue, lane or alley.

(Ord. 210, 5/11/1987, §3)

§20-204. Preservation of Rights.

Nothing in this Part shall be construed to prohibit municipal dumps maintained by the Township of Oley or a reasonable accumulation of ashes and rubbish on private property by the owners thereof.

(Ord. 210, 5/11/1987, §4)

§20-205. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 210, 5/11/1987, §5; as amended by Ord. 311, 6/14/2004, §1)