

ORDINANCE NO. 26

WHEREAS, THE BOROUGH OF LITTLE MEADOWS HAS ENACTED AN ORDINANCE PROHIBITING THE ACCUMULATION AND DUMPING OF GARBAGE AND REFUSE; AND,

WHEREAS, THE BOROUGH OF LITTLE MEADOWS INTENDS THAT THE HEREIN ORDINANCE BE OF FULL FORCE AND EFFECT IN THE EVENT THAT SAID PROHIBITION ORDINANCE, OR ANY PART THEREOF, BE ADJUDGED TO BE VOID, UNENFORCEABLE OR INEFFECTUAL FOR ANY REASON WHATEVER.

NOW THEREFORE, Be it ordained and enacted by the Little Meadows Borough Council, Susquehanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION ONE - DEFINITIONS:

(a) Person - any individual or individuals, partnership, firm association or corporation, and specifically including the partners, officers and directors thereof.

(b) 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 ordinance.

(c) Solid Waste Facilities - any land site used to dump, bury or deposit, store or treat refuse.

(d) Permit - Where used in this Ordinance, the terms permit and licensing are deemed as having the same meaning.

SECTION TWO: Any solid waste facilities (landfills, incinerators, sludge operations, or a facility designed for the breakdown of waste materials for disposal) within Little Meadows Borough will obtain bonding in the amounts and for the purposes described herein, will accomplish water testing requirements as described herein and will obtain or provide warranty for storage devices and/or materials as described herein prior to application for permit or licensing of any waste facility by the Borough of Little Meadows, Susquehanna County, Pennsylvania is accomplished.

REQUIREMENT ONE. A bond of not less than two million dollars (\$2,000,000) per acre, or any portion thereof, of lands used for solid waste facilities. Solid waste facilities are defined as all attached or contiguous acres to lands used for the purpose of landfills, incinerators, or sludge operations that lie entirely or in part within the bounds of Little Meadows Borough. Said bond must be established and paid for a period of not less than 100 years by the purposes of clean up of chemicals, toxins or elements not natural to the environment that may emit or seep from the waste facility for whatever

reason.

REQUIREMENT TWO. All wells within a two (2) mile radius of the proposed waste facilities, at the request and/or permission of the owner of said well must be tested and the results provided the owner and officials of Little Meadows Borough to be made public record. Water tests will be conducted by a certified agency recognized as such by the Department of Environmental Resources (DER). Expenses of said testing will be paid for by the proposers of the waste facilities. Tests are to be performed for any chemicals, contaminants or foreign bodies known harmful for human consumption. In addition, these tests must be performed on an annual basis.

REQUIREMENT THREE. A bond of five million (\$5,000,000) dollars must be established to ensure sufficient funds are available to build and maintain a public water supply to provide pure water to residents whose well may become contaminated by waste facilities within a three (3) mile radius of adjoining communities. This bond must be established and paid in advance by the proposers of the waste facility for a period of 100 years. This bonding applies for each waste facility site that is established regardless of the ownership being the same for multiple sites.

REQUIREMENT FOUR. For any waste facility that is proposing or authorized the use of "liners" or containers to contain potentially hazardous materials that may impact the environment, a written guarantee must be obtained by the proposers of the waste facility from manufacturers of said "liners" or containers that same is fully guaranteed to perform its designed function for not less than 100 years from date of installation or use. Additionally, the manufacturer of "liners" or containers must provide to Little Meadows Borough in writing that the installation of said "liners" or containers is in accord to their installation or usage instructions.

SECTION THREE. Any person, firm or corporation which shall violate any of the provisions of this ordinance shall be subject, upon conviction, to pay a fine of three hundred dollars (\$300.00) and cost of prosecution, and in default of the payment of such fine and costs to imprisonment for thirty (30) days for each occurrence. An occurrence is defined as each day for which a waste facility operates (accepts materials for disposal).

SECTION FOUR. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of Little Meadows

Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herein.

In the event that Little Meadows Borough Ordinance #21 prohibiting dumps and landfills in the Borough is found to be ineffectual, illegal, void or invalid, this Ordinance will still be in effect.

ENACTED INTO AN ORDINANCE this 23rd day of February, 1987.

ATTEST:

Jenny Fakinger
Secretary

Charles D. Fakinger
President

Alan J. Messeri
Mayor