

**CHAPTER 20**

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ARTICLE I

SPENT COMPOST PERMITS

**Section 101. Short Title**

This Ordinance shall be know and may be cited as “The Ontelaunee Township Spent Compost Permit Ordinance.”

Ord. 1984-2, 12/13/1984, §1.

**Section 102. Definitions**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated:

- A. **AGRICULTURAL USE** – The use of spent or used mushroom soil and/or mushroom compost as fertilizer or compost on viable agricultural land, for promoting or stimulating the growth of plants, increasing the productivity of soil and improving the quality of crops raised thereon; provided that agricultural crops are planted thereon and harvested within one year from the date of such application of spent or used mushroom soil and/or mushroom compost.
- B. **BOARD** – Shall mean the Board of Supervisors of The Township of Ontelaunee.
- C. **SPENT OR USED MUSHROOM SOIL AND/OR MUSHROOM COMPOST** – Hereinafter referred to as Spent Compost is the soil or compost reclaimed from mushroom houses after the mushrooms have grown and been harvested.
- D. **TOWNSHIP** – Shall mean Ontelaunee Township, Berks County, Pennsylvania.

Ord. 1984-2, 12/13/1984, §2.

**Section 103. Permit and Fee**

Every person, property owner and/or property lease indenting to use Spent Compost for an Agricultural Use, as defined above, in the Township is hereby required to apply for an obtain a Township Spent Compost Agricultural Use Permit from the Township Secretary, in accordance with the provisions of this Ordinance, at an annual fee, as set from time to time by Resolution of the Board of Supervisors, per year for each such Agricultural Use of Spent Compost in the Township of Ontelaunee, Berks County, Pennsylvania.

Ord. 1984-2, 12/13/1984, §3.

**Section 104. Application for Permit**

The Permit provided for in this Ordinance shall be issued by the Township Secretary after written application shall have been made therefor by the person, property owner and/or lease required to have such Permit and after approval by the Township. Such permit shall state the name of the person to whom such Permit is issued and a description of the premises on which such Agricultural Use of Spent Compost is to be used. The written application for the Permit hereinabove mentioned shall be accompanied by a form, every question of which must be answered, as supplied by the Township, and a map or plot plan of the area or premises to be used in connection with such Permit.

Ord. 1984-2, 12/13/1984, §4.

**Section 105. Issuance of Permit**

Upon receipt of an application by the Township the Board shall direct the Secretary to issue a Permit or refuse to issue a Permit to the person, property owner and/or leasee applying therefore after an examination of the application and its compliance with this Ordinance and any other Township Ordinances regulating the use of spent compost. In the event that the Board shall direct the Secretary to issue a Permit, it may impose upon the Permit and the person, property owner and/or leasee applying therefore such terms and conditions, in addition to the regulations herein contained and adopted pursuant to this Ordinance, as may be deemed necessary to carry out the spirit and intent of this Ordinance.

Ord. 1984-2, 12/13/1984, §5.

**Section 106. Permit Limitations**

No person, property owner and/or leasee holding a Permit under this Ordinance shall engage in the Agricultural Use of Spent Compost in any place other than the place designated on his Permit. No Permit issued by the Township, for Agricultural Use of Spent Compost, shall be transferrable.

Ord. 1984-2, 12/13/1984, §6.

**Section 107. Necessity and Requirement of Permit and Fee**

This annual Permit and Fee for the Agricultural Use of Spent Compost is necessary for the administration of ordinances and regulations pertaining to the use of spent compost and the policing of compliance to such ordinances and regulations in order to preserve the health, safety and general welfare of the citizens of this Township. This Permit is required in addition to any and all local, state or other permits, requirements or regulations.

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Ord. 1984-2, 12/13/1984, §7.

### **Section 108. Regulations**

- A. Spent Compost shall not be applied as an Agricultural Use, as defined above, to any land in the Township unless the owner and/or leasee of such land has obtained and is the holder of a valid Permit, in accordance with this Ordinance, for such Agricultural Use of Spent Compost, issued by the Township.
- B. Agricultural Use of Spent Compost shall be subject to the following regulations and conditions and violation of any such regulations and conditions shall constitute grounds for the revocation of the Township Spent Compost Agricultural Use Permit of the violator and a subsequent refusal to issue any further Agricultural Use Permits to such violator in addition to Penalties found in Section 109 of this Ordinance.
- C. The Board of Supervisors of the Township of Ontelaunee hereby adopts the following regulations and conditions for the Agricultural Use of Spent Compost as follows:
  - 1. Agricultural crops must be planted thereon and harvested from the land to which Spent Compost has been applied within one (1) year from the date of such application.
  - 2. Applied Spent Compost must be spread and turned under the soil within 6 months of its application, to a depth of not more than six inches (6”), or to such lesser depth that it can be turned under the soil with conventional farm equipment.
  - 3. There shall be no application of Spent Compost on land where there is a possibility of pollution of underground water supplies or wells by the leaching of nitrates or other undesirable fluids from the Spent Compost.
  - 4. There shall be no application of Spent Compost in such a manner that runoff from the land on which it is applied carries materials or undesirable fluids from the Spent Compost onto public or private property of another.
  - 5. All Agricultural Use of Spent Compost shall be in strict accordance with the regulations and conditions of this Ordinance and any other regulations and conditions the Board of Supervisors may deem necessary and adopt.

Ord. 1984-2, 12/13/1984, §8.

### **Section 109. Penalties for Violation**

See Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1984-2, 12/13/1984, §9; superseded by Ord. 2001-2, 7/12/2001.

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ARTICLE II

PROHIBITION OF LAWN AND GARDEN WASTE ON PUBLIC PROPERTY  
AND ROADS

**Section 201. Prohibition**

No person shall place or deposit leaves, grass clippings or other lawn or garden waste materials on or upon public property or within or upon the rights of way of any Township Road or State Highway within the Township of Ontelaunee, Berks County, Pennsylvania.

Ord. 1995-5, 10/12/1995, §1.

**Section 202. Violations**

Chapter 4, Article IV entitled "Civil/Criminal Enforcement Procedure".

Ord. 1995-5, 10/12/1995, §2; superseded by Ord. 2001-2, 7/12/2001.

**Section 203. Abatement of Nuisances**

In addition to any other penalties or remedies provided in this Ordinance, any violation of Section 201 above shall constitute a nuisance and shall be abated by the Township at the expense of the Violator at the cost to the Township plus ten percent (10%).

Ord. 1995-5, 10/12/1995, §3.

**Section 204. Health, Safety and Welfare**

It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the citizens of this Township.

Ord. 1995-5, 10/12/1995, §4.

## ARTICLE III

### TRASH

#### **Section 301. General Refuse Regulations**

Refuse shall include any ashes, cardboard and/or rubbish; excluding recyclable materials. Refuse shall not include any items which the Township deems to be hazardous. The following regulations shall be followed in dealing with refuse:

- A. Garbage shall be drained and stored in durable watertight containers with handles and tight-fitting covers.
- B. Ashes shall be stored in fire-resistant containers equipped with handles and tight-fitting covers. Ashes containing hot embers shall not be placed out for collection until they have been adequately quenched and cooled.
- C. Rubbish shall be stored in durable containers with tight-fitting covers.
- D. No person shall place, throw or deposit refuse in or along any street, alley, road, highway or public way within the limits of the Township, unless it is placed in a proper refuse container for the purpose of collection.
- E. No person shall place, throw or deposit refuse in or upon any private property of another, unless it is placed in a proper refuse container for the purpose of collection with the consent of such property owner.
- F. No person shall place, throw or deposit refuse in or upon any private property of another, unless it is placed in a proper refuse container for the purpose of collection with the consent of such property owner.
- G. No person shall place, throw or deposit refuse in or upon any stream or any other body of water within the Township.
- H. Bulky rubbish including, but not limited to, discarded furniture and large household appliances (refrigerators, washing machines, dryers, bathtubs, sinks, commodes) shall not be allowed to accumulate on any premise.
- I. All refuse receptacles or containers shall be provided by the owner, tenant or occupant of the premises, unless otherwise specified.
- J. The storage of all refuse by residents of the Township shall be practiced so as to prevent the attraction, harboring or breeding of insects and/or rodents or vermin, and to eliminate conditions harmful to the public health or which create safety hazards, odors, unsightliness and/or public nuisances.

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- K. Residents shall provide a sufficient number of containers necessary to comply with Subsection J above to contain all refuse generated between regularly scheduled collections.
- L. Refuse shall not be placed at curb or alley for collection earlier than noon (12:00 p.m.) on the day prior to scheduled collection without specific permission from the Township.
- M. No person shall dump or place any refuse into a residential, commercial or municipal refuse containers in the Township without first obtaining permission of the subscriber.

Ord. 2008-4, 8/7/2008, §1.

### **Section 302. Civil Enforcement Penalties**

Any person or entity who fails to comply with any or all of the requirements or provisions of the Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Code Officer/Zoning Officer or any officer of the Northern Berks Regional Police Department shall be subject to, upon conviction thereof, a fine of up to One Thousand Dollars (\$1,000.00) plus costs, and in default of payment of said fine and costs, a term of imprisonment not to exceed thirty (30) days. Each day a violation of this Ordinance continues shall constitute a separate offense.

Ord. 2008-4, 8/7/2008, §2.