

BENNER TOWNSHIP
ORDINANCE NO. 54

AN ORDINANCE REGULATING THE DUMPING, STORAGE OR
ACCUMULATION OF REFUSE, GARAGE, RUBBISH, JUNK OR DEBRIS

BE IT ENACTED AND ORDAINED, AND IT HEREBY IS ENACTED AND
ORDAINED, BY THE BOARD OF SUPERVISORS AS FOLLOWS:

SECTION 1. TITLE. This Ordinance shall be known as the “Benner Township
Dumping Ordinance.”

SECTION 2. AUTHORITY. This Ordinance is authorized by Section 702,
clauses VIII, XII, XXIX, XLI, and LXII of the Second Class Township Code, 53 P.S.
65708, 65712, 65729, 65741 and 65762.

SECTION 3. DEFINITIONS. The following words and phrases when used in
this Ordinance shall have, unless the context clearly indicates otherwise, the meanings
ascribed to them in this Section:

A. Owner – Includes the legal or equitable owner, tenant in possession,
person in control or occupant of land.

B. Person – Includes an individual, firm, association, organization,
partnership, trust, company, corporation, municipal authority, or any other legal entity.

C. Refuse – Includes garbage, rubbish, junk, discarded debris; and abandoned
appliances, vehicles, equipment or machinery.

D. Township – The Township of Benner.

SECTION 4. LEGISLATIVE DECLARATION. The Board of Supervisors
hereby declares that accumulations of refuse on open lands of the Township constitutes a
public nuisance. Specifically, it is founds that such accumulations:

A. Constitutes actual or potential attractions for snakes, vermin and rodents;
B. Constitutes attractive nuisances for children;
C. Constitutes a source of dangerous objects to others;
D. Constitutes eyesores and unattractive conditions which detract from the
reputation of the Township as a wholesome place to live and work, and adversely affect
property values.

SECTION 5. UNLAWFUL TO DUMP. It shall be unlawful for any person, to
place, dump or deposit refuse upon the lands of another.

SECTION 6. ACCUMULATIONS PROHIBITED. It shall be unlawful for any owner to establish, maintain, suffer or permit the deposit or accumulation of refuse upon his, her, its or their land.

SECTION 7. RESPONSIBILITY OF OWNERS. It shall be the responsibility of the owner or owners of land, jointly and severally, to keep his, her, or their land from accumulations of refuse and to remove any refuse deposited thereon upon notice of the Enforcement Officer.

SECTION 8. EXCEPTION. Refuse which has accumulated since the last regular refuse pickup, and is being accumulated for removal at the next regular refuse or riff-raff pickup by a regular refuse or riff-raff pickup services shall be exempted from the provisions of this Ordinance, PROVIDED, said refuse is removed by the next regular refuse or riff-raff collection date.

SECTION 9. NOTICE. The Township Enforcement Officer, upon observing the accumulation of refuse upon any lands in the Township, shall give notice and an order to the owner or owners of said land, to remove the same within ten days of such other reasonable time as the Enforcement Officer shall determine. The Enforcement Officer shall have authority to extend the time for removal, upon request and reasonable cause shown, for periods of up to thirty days.

SECTION 10. NOTICE TO OWNERS WHO EMPLOY PATROLS. Any owner of land:

- A. who owns and exclusively controls more than 200 acres of contiguous land in the Township; and
- B. who employs agents to patrol the land; and
- C. who provides for regular (at least quarterly) refuse removal, shall have until the next regular (at least quarterly) date of refuse removal, to remove any accumulation or deposit of refuse, but not more than 90 days.

SECTION 11. APPEALS. Any person aggrieved by any determination, notice or order of the Enforcement Officer may appeal the same within thirty days of such determination or the issuance of a notice or order pursuant to the Local Agency Law, 2 Pa. C.S.A. 105.

SECTION 12. VIOLATION. It shall be considered a public nuisance and a violation of this Ordinance for any person to fail to remove any accumulation or deposit of refuse after notice and an order to remove the same has been given to the owner.

SECTION 13. PENALTY. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a District Magistrate shall be sentenced to pay a fine of not more than six hundred (\$600.00)

dollars, plus costs of prosecution. Each day's continuance of a violation after notice and expiration of the order to remove shall constitute a separate offense.

SECTION 14. OTHER REMEDIES. The Township shall have the authority to abate nuisances consisting of accumulations of refuse by removing the same and billing the owner for the cost of removal plus a penalty of ten percent. The Township may also institute actions at law or equity in the courts to order the owner to abate or to enjoin the accumulation of refuse, and to seek damages therefore.

SECTION 15. PRESERVATION OF REMEDIES. The procedures and remedies established by this Ordinance shall be considered as additional to all other remedies of the Township or the public or any affected person at law or equity or pursuant to regulations of other governmental bodies.

SECTION 16. ENFORCEMENT OFFICER. The Board of Supervisors of Benner Township may appoint an Enforcement Officer whose responsibility it shall be to investigate, inspect, and enforce all of the provisions of this Ordinance.

SECTION 17. REPEALS. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 18. SEVERABILITY. If any sentence, clause, 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, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 19. EFFECTIVE DATE. This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP THIS 7th DAY OF February A.D. 1991.

BENNER TOWNSHIP BOARD OF SUPERVISORS

BY: _____
Robert Kuhlman-Chairman

ATTEST:

Secretary