

ORDINANCE NO. 69 - 1993

CENTRE TOWNSHIP

POULTRY COMPOSTING CARCASSES ORDINANCE

CENTRE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, BEING AN ORDINANCE REGULATING POULTRY COMPOSTING CARCASSES IN THE TOWNSHIP OF CENTRE, PROVIDING PROCEDURES FOR APPROVAL AND USE OF POULTRY COMPOSTING FACILITIES, ESTABLISHING THE INTENT TO PERMIT DEVELOPMENT OF NON-POLLUTING SAFE AND PRACTICAL SYSTEMS OF DEAD POULTRY DISPOSAL, DEFINING CERTAIN TERMS, PROVIDING FOR THE TOWNSHIP TO ADOPT RULES AND REGULATIONS, PROVIDING THAT RULES AND REGULATIONS BE IN CONFORMITY WITH APPLICABLE LAW AND IN CONFORMITY WITH RULES OF CERTAIN AGENCIES, PROVIDING FOR PERMIT APPLICATION AND FEES, PROVIDING FOR DESIGN OF FACILITIES, PROVIDING FOR INSPECTION OF FACILITIES, PROVIDING FOR REVIEW BY ADMINISTRATIVE AGENCIES, PROVIDING DUTIES OF PROPERTY OWNERS OF SUCH FACILITIES, ESTABLISHING PERMIT DURATION AND LIMITATION OF PERMITS, PROVIDING PENALTY FOR VIOLATION, PROVIDING ABATEMENT AND NUISANCE, PROVIDING REPEAL OF INCONSISTENT ORDINANCES AND SEVERABILITY IN CERTAIN CASES AND PROVIDING AN EFFECTIVE DATE.

Be it enacted and ordained by the Board Of Supervisors of Centre Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Section 1. Purpose: The purpose of this ordinance is to establish procedures for the submission, approval and use of poultry composting facilities within the Municipality.

Section 2. Intent: This ordinance is to permit the development of non polluting, safe and practical systems of dead poultry disposal while maintaining standards for the protection, benefit and preservation of health, safety and welfare of the inhabitants of this Municipality.

Section 3. Definitions: Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "Governing Body" shall mean the Board Of Supervisors, Centre Township, Berks County, Pennsylvania.
- B. "Composting" shall mean a controlled natural process in which beneficial microorganisms - bacteria and fungi - reduce and transform organic wastes into a useful end product - crop fertilizer.
- C. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- D. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.
- E. "Municipality" or Township" shall mean Centre Township, Berks County, Pennsylvania.

Section 4. Rights and Privileges Granted: The Governing Body is hereby authorized and empowered to undertake within the Township the control and methods of poultry composting maintenance and disposal thereof.

Section 5. Rules and Regulations: The Governing Body is hereby authorized and empowered to adopt such rules and regulations, by resolution, concerning poultry composting which it may deem necessary from time to time to effect the purposes of this Ordinance. The Ordinance Officer or the Deputy or the Assistant Ordinance officer shall enforce this ordinance, and shall inspect the facilities.

Section 6. Rules and Regulations to be in Conformity with Applicable Law: All rules and regulations adopted by the Governing Body pursuant to this Ordinance shall be in conformity with the provisions hereof, all other Ordinances of the Township, all applicable laws and all applicable rules and regulations of the Commonwealth of Pennsylvania and its departments and agencies, and specifically the agencies listed below:

- A. Penn State Cooperative Extension
- B. Agricultural Conservation and Stabilization Service
- C. Soil Conservation Service
- D. Berks County Conservation District

Section 7. Application For Permit: An application for a permit shall be submitted in writing to the Governing Body and shall contain the following:

- A. Construction drawings and specifications of the composting facility.
- B. A plot plan of the lot where the facility is to be located locating all structures and improvements and showing all isolation distances.
- C. A plan of operation of the facility. The plan shall incorporate a log sheet which shall indicate the content of mixture(i.e. Dead birds, litter, and straw) and amount by weight added to the compost each day. The temperature in the pile shall also be taken with 36 inch probe type thermometer and recorded on the log sheet on a daily basis. This log sheet shall indicate the dates the material is moved to the secondary treatment bin, the outside compost pile and applied to the land. Each compost batch shall be numbered for identification thru the process.

Section 8. Minimum Horizontal Isolation Distances: shall be maintained between the compost facility and the features itemized. Where conditions warrant, the Ordinance Enforcement Officer may make a specific finding that the isolation distance may be expended to a maximum of two hundred (200) percent of the minimum distances.

- A. Property line, easement or right-of-way, 100 feet.
- B. Occupied buildings, 200 feet.
- C. An individual water supply or water system suction line, 200 feet.
- D. Water supply line under pressure, 10 feet.
- E. Streams, lakes or other surface water, 200 feet.
- F. Surface drainageways, 50 feet.
- G. Mine subsidence areas, mine bore holes or sink holes, 100 feet.
- H. Rock outcrop or identified shallow pinnacle, 10 feet.
- I. Natural or manmade slope greater than 25%, 50 feet.

Section 9. Duties of the Property Owner: The owner of property that utilizes a poultry compost facility shall:

- A. Maintain the compost facility in conformance with this and all other applicable ordinances of the Township, the provisions of any applicable law, and the rules and regulations of the Governing Body, of DER and of any other administrative agency of Commonwealth of Pennsylvania with jurisdiction.
- B. Permit the Governing Body or its agent to inspect the facility on an annual basis.
- C. Provide proof to the Governing Body that the log sheets and all operating conditions required by the Governing Body are in full compliance.
- D. Discontinue the use of such compost facility if a permit for its use has been revoked pursuant to this ordinance and rules and regulations adopted hereunder.
- E. Only permit animals from the poultry operation conducted on this tract of land to be composted in this compost facility.
- F. Maintain a current log sheet with all information as detailed in the submitted plan of operation.

Section 10. Permit Duration: All permits for the utilization of compost facility within the Township for the disposal of poultry carcasses issued after the effective date hereof shall expire one(1) year from the date of issuance and shall not be renewable except at the discretion of the Governing Body, upon their review, for such additional period of time as shall be deemed appropriate by the Governing Body.

Section 11. Permit Fees: The Governing Body shall establish by resolution a fee schedule for the application for permit and inspection of such facilities.

Section 12. Validity: Any permit for use of a compost facility in the Township issued by authority of the Governing Body pursuant to this Ordinance or any rules and regulations adopted hereunder, shall be valid for only one(1)year and shall not be renewable, except as set forth above in Section 7. Any person who sells, transfers or conveys a property in the Township which utilizes a permitted compost facility for collection and disposal of poultry carcasses shall give written notice to the purchaser or transferee thereof that the permit for the compost facility shall expire one(1) year from the date of issuance thereof and shall be renewable only upon a proper renewal application and shall furnish a true and accurate copy of the Composting Permit to the new owner.

Section 13. Violations: Any person who violates any provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than Three Hundred (300) Dollars and not more than one thousand (1000) Dollars.

Section 14. Abatement of Nuisances: In addition to any other remedies provided in this Ordinance, any violation of Section 10 above shall constitute a nuisance and shall be abated by the Municipality by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.


Section 15. Repeal: All ordinances or resolutions or parts of ordinances or resolutions which are inconsistent herewith are hereby repealed.

Section 16. 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 to be the intent of the Board Of Supervisors of Centre Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

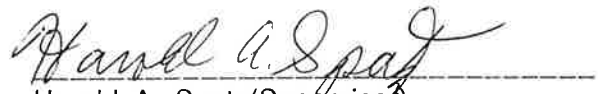
Section 17. Effective Date: This Ordinance shall become effective on the earliest date permitted by law.

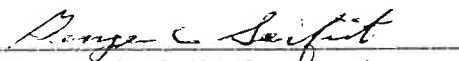
ENACTED AND ORDAINED this twenty-eighth day of December, 1993.

Board Of Supervisors Of Centre Township,
Berks County, Pennsylvania


Albert W. Burkevage, Sr.(Chairman)


Nancy E. Kachel(Supervisor)


Harold A. Spatz(Supervisor)

ATTEST: 
George C. Seifrit(Secretary)