

ORDINANCE NO. 89-3

AN ORDINANCE OF THE TOWNSHIP OF WEISENBERG, LEHIGH COUNTY, PA KNOWN AS THE WASTE BUILDING PRODUCTS ORDINANCE OF THE TOWNSHIP OF WEISENBERG, PROVIDING FOR DEFINITIONS OF BUILDING ACTIVITY AND WASTE BUILDING PRODUCTS; DEFINING ITS APPLICABILITY TO ALL BUILDING ACTIVITY; SETTING FORTH STORAGE REQUIREMENTS FOR WASTE BUILDING PRODUCTS; PROMULGATING DUMPING REGULATIONS OF WASTE BUILDING PRODUCTS; PROVIDING FOR ENFORCEMENT REMEDIES; AND PROVIDING FOR SEVERABILITY, A GENERAL REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the Township of Weisenberg has experienced increased building activity; and

WHEREAS, a natural consequence of that building activity is that waste building products are generated; and

WHEREAS, it is in the best interest of the public health, welfare and safety that waste building products be controlled as to their on-site accumulation and disposal; and

WHEREAS, the Board of Supervisors of Weisenberg Township, pursuant to the Second Class Township Code at Section 65708, have been empowered to regulate and prohibit the dumping, depositing and accumulation of refuse materials upon private property and within the Township of Weisenberg.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Weisenberg Township, in lawful session duly assembled, as follows:

Section 1. SHORT TITLE

This Ordinance shall be known as the "Waste Building Products Ordinance of the Township of Weisenberg."

Section 2. WHEREAS CLAUSES

All "Whereas" clauses as set forth above are incorporated herein by reference.

Section 3. DEFINITIONS

A. "Building Activity." Building activities shall include all those activities as require the issuance of a building permit prior to commencement as governed by Ordinance Nos. 82-2 and 84-2, as amended.

B. "Waste Building Products." Those products generated by the building and/or construction process which are not to be incorporated into the structure of the building. Such products shall include but not be limited to waste lumber, sheeting, paper, glass, insulation, wiring, plumbing supplies, appliances, fixtures, metals, masonry materials, aluminum and vinyl siding, roofing materials, carpet, and tile.

Section 4. APPLICABILITY

This Ordinance shall be applicable to all building activity as defined by this Ordinance.

Section 5. STORAGE REQUIREMENTS

On each site where building activities are conducted, it shall be the responsibility of the record owner to police the building site so as to provide, by 9:00 P.M. on each day during the building period, that all waste building products are removed from the subject premises, stored and secured inside an existing structure, or contained in a leak-proof container of appropriate size.

Section 6. DUMPING REGULATIONS

It shall be unlawful for any person, persons or corporation to bury within the ground any waste building products other than those masonry materials such as concrete, brick, concrete block, cement block, and the like within one hundred (100) feet of any building as that term is defined by the Weisenberg Township Zoning Ordinance, or any well or similar source of drinking water.

Section 7. ENFORCEMENT

A. Notices - Whenever the Township Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall: (a) be in writing; (b) include a statement for the reasons of its issuance; (c) allow a reasonable time not to exceed a period of fifteen (15) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been mailed by regular mail to the owner of record at the address as set forth on the tax assessment rolls, or when served with such notice by any other method authorized or required by the laws of this Commonwealth; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof.

B. Penalties - Any person, persons or corporation who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Township Administrator or any other authorized employee of the Township shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than twenty-five (25) dollars, nor more than three hundred (300) dollars plus costs of prosecution. In default of such payment, said person shall be imprisoned in the County Prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the other penalties, all other actions are

hereby reserved, including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time. Any building activity undergone in non-compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abateable as such.

Section 8. SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 9. GENERAL REPEALER

All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.


Section 10. EFFECTIVE DATE

The provisions of this Ordinance shall become effective five (5) days from the enactment of this Ordinance.

DULY ENACTED AND ORDAINED this 20th day of April, 1989 by the Board of Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEISENBERG

By: 
ARLAN C. BITTNER, Chairman


DONALD W. DAVIS


RALPH W. ZETTLEMOYER

ATTESTED:


DONALD P. BREININGER, Secretary