

CHAPTER 10
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Part 1

Agricultural Waste Storage and Nutrient Management

§101. General.

1. Title. This Part shall be cited as the "Walker Township Agricultural Waste Storage and Nutrient Management Ordinance."

2. Intent. Walker Township farmers have always practiced good conservation of our agricultural resources. But because the farming industry is changing, the potential for environmental problems resulting from agricultural operations is increasing. The Walker Township Board of Supervisors has determined that it is in the interest of the general health, safety and welfare to take prudent steps to aid in the prevention of environmental problems which may arise from the improper handling of agricultural wastes and nutrients, rather than to be forced to correct such mishaps after they occur. The intent of this Part is to:

A. Promote the general health, welfare and safety of the citizens of Walker Township.

B. Minimize danger to public health by protecting the groundwater supply from contamination by improper handling of agricultural wastes or nutrients.

C. Provide guidance for proper manure management and utilization of recommended construction practices for manure storage facilities.

D. Assure that prime agricultural land will remain productive through environmentally sound agricultural practices.

E. Inform the agricultural operators and farmers who do not follow practices described in this Part and who have not obtained a permit that they may be in violation of County, Commonwealth and Federal pollution control laws.

3. Applicability.

A. This Part requires all persons, partnerships, businesses and corporations proposing to construct agricultural waste storage facilities having a combined capacity of greater than ten thousand (10,000) gallons to develop a nutrient management plan and then obtain a construction permit and a land application permit.

B. Agricultural waste storage facilities and the land application of agricultural wastes or nutrients existing on the effective date of this Part shall not be subject to its provisions except, upon inspection, one of the following conditions is observed:

(1) The storage, handling, disposal or application of nutrients and agricultural waste by the operation is in violation of either the applicable standards that are contained in the most

recent text and technical supplements to the Commonwealth of Pennsylvania Department of Environmental Resources publication, "Manure Management for Environmental Protection," or other Township, County, Commonwealth or Federal regulations.

(2) A situation exists which is causing, or is substantially threatening to cause, pollution to ground or surface waters.

C. Agricultural operations which utilize or propose to utilize agricultural waste storage facilities having a combined capacity of less than ten thousand (10,000) gallons shall be exempt from all provisions of this Part until such time as their proposed combined storage capacity exceeds ten thousand (10,000) gallons.

(Ord. 1992-2, 4/30/1992, §1)

§102. Definitions.

1. General Definitions. For the purposes of this Part, the following general terms shall have the corresponding interpretation:

A. Words in the singular include the plural and those in the plural include the singular.

B. Words used in the present tense include the future tense.

C. The words "person," "applicant" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in activities governed by this Part.

D. The word "facility" shall be construed as if followed by the phrase "or part thereof."

E. The word "watercourse" includes channel, creek, ditch, dry run, spring, wetland, stream and river.

F. The words "should" and "may" are permissive; the words "must," "shall" and "will" are mandatory and directive.

2. Specific Definitions. For the purposes of this Part, the following terms shall have the corresponding interpretation:

AGRICULTURAL OPERATION - the management and use of farming resources for the production of crops, livestock, poultry or other agricultural products or by-products.

AGRICULTURAL WASTE - any and all waste generated from an agricultural enterprise, operation or use, including manure, compost and nutrients (as defined herein), but excluding commercially manufactured fertilizers or nutrients, domestic and household waste water, milk house waste and any waste defined as sewage and regulated as such by DER.

AGRICULTURAL WASTE STORAGE FACILITY - a structure or area built or maintained to store agricultural wastes for future use, and being a sealed tank or similar structure.

ANIMAL EQUIVALENT UNIT (animal unit; AU) - one thousand (1,000) pounds live-weight of livestock or poultry animals, regardless of the actual number of animals comprising the unit.

ANNUAL POPULATION CONCENTRATION - the annual average of the monthly sums of the highest population concentrations of any and all species of livestock and/or poultry being raised by a livestock or poultry operation for all months of a calendar year, excluding those months in which no such species are raised as a result of normal seasonal changes or business practices or as a result of disease or threat of disease.

APPEAL - any person or landowner aggrieved by a provision of this Part, or the written decision of the Nutrient Management Officer, may file an appeal to be heard by the Walker Board of Supervisors, which appeal shall be sent by certified mail, return receipt requested.

APPLICATION - a completed form, signed by an applicant, requesting a permit from Walker Township to construct an agricultural waste storage facility, or to apply agricultural chemical products or waste to lands or crops as part of an agricultural operation.

BOARD - the Walker Township Board of Supervisors.

COMPOSTING (COMPOST) - the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product (compost).

CONSERVATION DISTRICT - the regional Conservation District of the Commonwealth which includes Walker Township.

COUNTY - Juniata County, Pennsylvania.

DEPARTMENT OF AGRICULTURE - the Commonwealth of Pennsylvania Department of Agriculture.

DEPARTMENT (DER) - the Commonwealth of Pennsylvania Department of Environmental Resources.

FACILITIES - structures used for the storage of agricultural wastes, which meet criteria provided in §103 of this Part.

FERTILIZER (see NUTRIENT) - includes manufactured chemical fertilizers sold, used or applied to crops or soils as part of an agricultural land management practice.

FEMA - the Federal Emergency Management Agency.

HIGH PRIORITY WATERSHED - any watershed in the Township of Walker which has been so designated by DER because critical nonpoint-source nutrient pollution has been identified or quantified.

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HIGH QUALITY STREAM - any watercourse and associated watershed as identified by DER to provide for additional consideration and protection from contamination or other degradation.

LIVESTOCK or POULTRY OPERATION - all persons, partnerships, businesses and corporations engaged in the business of raising any livestock or poultry for commercial production and sale of meat, eggs, milk or other by-product, rather than for private consumption.

MANURE - the fecal or urinary defecations of livestock or poultry.

MANURE MANAGEMENT MANUAL - the Pennsylvania Department of Environmental Resources "Manure Management Manual for Environmental Protection," including all supplements and amendments.

MANURE STOCKPILE AREA - an area of the temporary (up to twelve (12) months) storage of manure prior to land application or other disposal.

NORMAL SEASONAL CHANGES - typical fluctuations in livestock and/or poultry populations due to normal procreational or culling activities occurring within a livestock and/or poultry operation. Any fluctuation shall be deemed to be a normal seasonal change if such fluctuation does not exceed the guidelines of the nutrient management plan as described in this Part.

NOTICE OF VIOLATION - a written notice sent by certified mail from the Nutrient Management Officer to an agricultural operation that, according to an onsite inspection, its activities are in violation of certain provisions of this Part.

NUTRIENT - a substance or recognized plant nutrient, element or compound which is used or sold for its plant nutrient content or its claimed plant nutrients. The term includes livestock or poultry manures, compost used as fertilizer, commercially manufactured agricultural fertilizers and combinations thereof.

NUTRIENT MANAGEMENT PLAN (PLAN) - a plan prepared and certified by a nutrient management technician for the proper management, storage, land application and/or other use or disposal of all agricultural wastes and nutrients, and which specifies best management practices to prevent the pollution of surface and ground water, including measures to reduce soil erosion, and which plan has been approved by a permit issued by the Walker Township Nutrient Management Officer.

NUTRIENT MANAGEMENT OFFICER - the agent of the Township of Walker responsible for the review, approval, permitting, inspection and enforcement of nutrient management plans and related agricultural land management practices.

NUTRIENT MANAGEMENT TECHNICIAN - a qualified professional who may prepare and certify a nutrient management plan.

PERMIT - a certificate endorsed by the Walker Township Nutrient Management Officer granting approval of a submitted nutrient management plan and/or proposed design of an agricultural waste storage facility.

PERMIT APPROVAL or DENIAL - a written statement by the Nutrient Management Officer to the applicant that the permit applied for, under the provisions of this Part, is being approved or denied.

PERMIT REVOCATION - a written statement by the Nutrient Management Officer to the applicant that the permit issued is being revoked for failing to comply with provisions of this Part.

POPULATION CONCENTRATION (CONCENTRATION) - the ratio of the total number of animal equivalent units of all livestock and/or poultry being raised by a livestock and/or poultry operation per total acreage owned and/or operated by a livestock or poultry operation.

USGS - the United States Geological Survey.

VARIANCE - the permission granted by the Walker Township Board of Supervisors for a waiver of certain provisions of this Part, or from the requirements of a notice of violation issued by the Nutrient Management Officer, which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this Part.

(Ord. 1992-2, 4/30/1992, §2)

§103. Design and Construction Regulations.

1. Applicability. Every person, partnership, business and corporation to which this Part applies as defined in §101(3) and the owner or operator of lands where the agricultural waste storage facilities are to be placed shall be responsible for satisfying the requirements of the following regulations and shall obtain all required permits pursuant to this Part.

2. Technical Design Standards. Agricultural waste storage facilities shall be designed in compliance with the engineering standards and specifications provided in the DER publication "Manure Management for Environmental Protection," including all its supplements and subsequent amendments, except where the specifications of this Part are more restrictive, in which case the technical provisions of this Part shall apply. Additional design standards for various facilities are presented in the technical addendums of this Part; new facilities shall be designed in accordance with the specifications as provided.

3. Design Review. Agricultural waste storage facilities shall be designed and sealed by a professional engineer, and three (3) copies of said engineering plans shall be submitted with the application to the Township Nutrient Management Officer, who shall forward a copy of the engineering plans to the Township Engineer for review and comment, to be provided within a ninety (90) day period. According to the procedure outlined in §106, a

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permit may be issued to the applicant upon approval of both the design for agricultural waste storage facility and an acceptable nutrient management plan.

4. Construction. The construction of a permitted agricultural waste storage facility shall be in accordance with the permit, the approved design and the approved nutrient management plan. Any design changes required during construction or subsequent operation must be approved by the Nutrient Management Officer. Specifications for the construction of agricultural waste storage facilities are provided in Technical Addendum 1 of this Part. New facilities shall be constructed in accordance with the specifications as provided.

5. Site Location. All new storage facility locations which are proposed for agricultural operations existing as of the effective date of this Part shall be subject to approval by the Nutrient Management Officer. Agricultural waste storage facilities which are proposed within a high priority watershed or within the watershed of a high quality stream shall meet additional design, location, construction and operation requirements as provided in the technical addendums. After the effective date of this Part, no proposed waste storage facility shall be located:

A. Within two thousand five hundred (2,500) feet of any residential dwelling not owned by an applicant or owner or operator of lands where the agricultural waste storage facility is to be placed.

B. Within one hundred fifty (150) feet of any property line or street right-of-way.

C. Within two hundred (200) feet of any watercourse or water supply.

D. On a slope with a grade in excess of fifteen (15) percent according to either USGS mapping or a sealed topographic survey.

E. Within one hundred (100) year floodplain according to either USGS or FEMA mapping as applicable, or a sealed topography survey.

6. Hardship. A variance may be granted upon review by the Walker Township Board of Supervisors for an adjustment to a requirement of this Section if the requirement can be proven by the applicant to be an unnecessary hardship.

(Ord. 1992-2, 4/30/1992, §3)

§104. Operation Standards.

1. Financial Security Required. The posting of financial security shall be required for all new storage facilities after the effective date of this Part to protect the Township from assuming the financial responsibility to repair, restore, replace or otherwise remedy any environmental damage caused by a failed agricultural waste storage facility or by the failure of a permittee to adhere to the approved nutrient management plan; to protect,

maintain and secure against any actual or threatened environmental degradation or any damage resulting from the failure of such storage facilities or of such permittees to adhere to the approved nutrient management plan; and to promote sound design and construction. The form of security shall be either a surety bond, an irrevocable letter of credit, or such other security as may be accepted by the Township which has been issued by an insured financial institution which is legally authorized to provide such services in the Commonwealth of Pennsylvania. Such security shall be held by the Township of Walker as long as the storage facility is either operational, or, in the event of cessation of operation of said facility, until an inspection by the Nutrient Management Officer and approval by the Walker Township Board of Supervisors of the release of said security, or the until the full and complete remedy, repair, restitution and restoration required due to any damage caused by the failure of such secured storage facility has been effected. In the event of such failure, the Township shall have the authority to administer the funds provided by such security as is necessary to resolve any damages as may not be corrected by the owner/operator of such failed storage facility. In the event that ownership of such facility is transferred, the prior permit shall expire, and a new permit shall be required and issued contingent upon the posting of financial security in accordance with this subsection. The amount of security required shall be based on a "pro-ratable" formula of five thousand and no/100 (\$5,000.00) dollars for each one hundred thousand (100,000) gallons of storage capacity.

2. Monitoring. New agricultural waste storage facilities shall install monitoring devices to prevent contamination from overflow or leakage. In addition, it is recommended that storage facilities take preventative measures to guard against exposure to hazardous concentrations of gases. Guidelines for the design, installation and maintenance of such monitoring devices are provided in Technical Addendum 2. New facilities should be operated in accordance with the guidelines as provided.

3. Preferred and Prohibited Management Practices. The application of solid or semi-solid agricultural wastes shall be in accordance with recognized conservation management techniques. All land application of liquid agricultural waste shall be by either soil injection or by spray tank. The application of liquid agricultural waste by tank sprayer shall be followed, as soon as practical, by mechanical incorporation of the nutrients into the soil. The application of liquid agricultural waste by tank sprayer shall not occur, in any instances, on slopes having a grade in excess of twelve (12) percent. The spray irrigation of agricultural wastes shall not be a permitted disposal method. The use of land industrially as a means of disposing of agricultural, organic or any other waste, or other waste by composting, which has no relation to the agricultural production of crops or livestock, shall be prohibited. The land application of agricultural wastes and nutrients shall be in full and strict compliance with the specifications of an approved nutrient management plan. Manure stockpile areas shall be located and operated to control runoff to other than approved storage facility. The uncontained runoff from any livestock or poultry operation, manure stockpile area or agricultural waste storage facility shall be prohibited; agricultural operations which do not contain and control such runoff will be found in violation of this Part.

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4. Inspection. The issuance of a permit for an agricultural operation shall be deemed an authorization of the Township Nutrient Management Officer to inspect all permitted storage facilities and livestock or poultry operations for compliance with the provisions of this Part. Operators shall be given a forty-eight (48) hour advance notice in writing, unless there is substantial evidence that an emergency situation exists. Failure to permit inspection may result in the Township obtaining a search warrant to inspect operations in the presence of a County or State officer of the law.

5. Liability Insurance Required. All agricultural operations utilizing a combined total of more than five hundred thousand (500,000) gallons of agricultural waste storage capacity shall be required to provide proof of current liability insurance against operational and site-specific pollution with a minimum coverage of one million (\$1,000,000) dollars to protect the Township and its residents in the event that a failure of such a storage facility would cause damage to life or property. When such coverage is not provided continuously, the permit for such operations shall be revoked or suspended.

6. Except to Financial Security and Liability Insurance Requirements. Agricultural operations, to which this Part applies, which utilizes or proposes to utilize agricultural waste storage facilities having a combined capacity in excess of ten thousand (10,000) gallons but not greater than five hundred thousand (500,000) gallons, that have complied with the provisions of this Part requiring the preparation and approval of a nutrient management plan, have obtained a permit for storage facilities and have obtained a land application permit, shall be exempt from the requirements of subsections (4) and (5).

(Ord. 1992-2, 4/30/1992, §4)

§105. Nutrient Management Plans.

1. Contents. The nutrient management plan shall include the following information:

A. The number in animal equivalent units (AU) of livestock or poultry permitted to be raised annually on the land tract by a livestock or poultry operation.

B. The annual amount of agricultural waste expected to be applied to the soil or farm land which will be produced by livestock or poultry, or which will be accumulated from other sources.

C. A statement of the planned disposition of the waste amount indicated under subsection (B) to be generated by the livestock or poultry or accumulated from other sources during a period of one (1) year, including specifications for:

(1) The means, manner and facilities (including storage capacity) proposed to be utilized for storage of waste being generated.

(2) The proposed tracts of land which will receive field applications of the generated waste and the amounts, periods and method of waste application on such tracts.

(3) The field crops expected to be grown on the land tracts indicated in subsection (2).

(4) Certification by a nutrient management technician, using the calculations and formula prescribed in §105(3), that the amount of waste for proper storage in the facility and effective nutrient removable by crops on land tracts and for the crops indicated in subsections (1), (2) and (3), or if such excess is indicated, the manner and locations in which such excess will be disposed and certification that disposal will not cause pollution or threaten to cause pollution to ground or surface waters.

D. Scaled mapping or aerial photography indicating the location or expected locations of all structures where livestock or poultry will be raised and all structures and fields where nutrients or agricultural chemical products are proposed to be stored or applied, in support of the statement submitted pursuant to subsection (C). It shall not be necessary that mapping submitted pursuant to this subsection be drawn by a professional draftsman, nor that any survey of the land tracts represented by such map or maps be previously completed. At a minimum, such mapping should include sufficient information to enable the Nutrient Management Officer to identify and locate the land tract or tracts and facilities.

E. If any land indicated in subsection (C) for receipt of waste application or disposal is owned by a person other than the livestock or poultry operation, a written contract from such owner that application or disposal of waste by the livestock or poultry operation is permitted on such lands for the minimum period of three (3) years. Such agreements shall be renewed prior to their expiration, and the Nutrient Management Officer shall be provided with a copy of such renewal. Failure to provide such documentation may result in the suspension or revocation of the permit for an agricultural operation.

F. A written soil conservation farm plan developed for the land on which waste is proposed to be stored or applied under subsection (C).

G. Specifications for the scheduling, type, amount, application method and field locations for all agricultural nutrient products, and for the disposal of all non-nutrient agricultural wastes.

2. Compliance. The nutrient management plan shall, at a minimum, comply with the criteria set forth in the most recent text and technical supplements to the Commonwealth of Pennsylvania Department of Environmental Resources publication, "Manure Management for Environmental Protection," and any revisions, supplements and replacements thereof, or with the provisions of any waste management permit issued by a Department of the Commonwealth of Pennsylvania for any land for which the plan is applicable. The activities and facilities proposed in the plan to be undertaken, constructed or operated

by the livestock or poultry operation shall comply with all other ordinances in effect for Walker Township.

3. Application Information. The applicant, or his or her authorized nutrient management technician, will be required to furnish the Walker Township Nutrient Management Officer with the information required of the plan under subsection (1), including the necessary information to be used in the calculations and formula most recently devised by the Pennsylvania State University "Farm Nutrient Management Worksheet," or a successive program devised by the Pennsylvania State University to replace such computer program.

(Ord. 1992-2, 4/30/1992, §5)

§106. Permit Issuance.

1. Permits Required. All existing and proposed agricultural operations that are subject to the provisions of this Part, pursuant to §§101(3), 101(4) and 104, shall be required to obtain a permit from the Nutrient Management Officer, in accordance with the provisions of this Part, prior to constructing an agricultural waste storage facility, commencing a livestock or poultry operation or applying agricultural wastes or nutrients to lands or soils in Walker Township.

2. Application Procedure. An application form requesting a nutrient management permit shall be completed, signed and filed with the Nutrient Management Officer. The Nutrient Management Officer shall supply the operator or agent with a copy of this Part and such necessary forms and/or instructions to guide the operator or agent in supplying the information required by the Nutrient Management Officer to review and permit such operations in accordance with the provisions of this Part.

3. Required Information. Applications for a permit, pursuant to the provisions of this Part, shall be made to the Nutrient Management Officer on forms provided. In addition to the application, the applicant shall supply all information used to develop the nutrient management plan and any other information as may be required by the Nutrient Management Officer in evaluating applications. For cases which the Nutrient Management Officer may decide require professional review, the applicant may be required to provide a review letter for the plan as signed by an officer of the Conservation District. In addition, the Nutrient Management Officer may be required that certain plans or agricultural storage facility designs, which require approval by a higher authority, be reviewed by the appropriate Bureau officer of DER prior to issuing a Township permit. An unsatisfactory review from either the Conservation District or DER shall constitute grounds for denial of the application.

4. Issuance of Permits. The Nutrient Management Officer shall notify the applicant, in writing, of the decision to approve or deny the request for a permit within ninety (90) calendar days after receiving a completed application and the necessary documentation. An approved permit may be obtained in person, by the applicant or the applicant's agent, or the permit

may be sent by certified mail, return receipt requested, if requested by the applicant.

5. Fees. To obtain the permit, the applicant shall remit a fee to the Township of Walker in the amount of twenty (\$20.00) dollars, payable in cash or check. The cost of any additional reviews, legal fees or other necessary expenses required for the Township to review and issue the permit shall be the responsibility of the applicant, and shall be remitted to the Township prior to the issuance of the permit.

5. Effect of Permit. A permit granted pursuant to the provisions of this Part shall entitle the applicant or operator to engage in the activities covered in the application. The applicant or operator shall comply fully with all applicable provisions of this Part.

(Ord. 1992-2, 4/30/1992, §6)

§107. Permit Denial.

1. Notice of Denial. Notice of denial of permit pursuant to the provisions of this Part shall be sent to the applicant, in writing, by certified mail, return receipt requested, and shall plainly set forth the reason for denial.

2. Remedy and Appeal. The applicant, upon receipt of notice of denial, shall have 15 calendar days to undertake one of the following steps:

A. Revise the application according to the requirements specified by the denial notice.

B. Request an extension of time to revise the application. Such extensions may be granted by the Nutrient Management Officer for the minimum duration appropriate to the situation.

C. Request an appeal hearing before the Walker Township Board of Supervisors.

3. Failure to Remedy or Appeal. If the applicant fails to notify the Nutrient Management Officer of a decision to act pursuant to §107(2) within fifteen (15) calendar days, the denial shall become effective on the sixteenth (16th) calendar day.

(Ord. 1992-2, 4/30/1992, §7)

§108. Enforcement.

1. Responsibility. Enforcement of the provisions of this Part shall be the responsibility of the Nutrient Management Officer upon consultation with, and assistance from, the Walker Township Board of Supervisors.

2. Inspection and Notification of Violation. The Nutrient Management Officer shall inspect agricultural operations throughout the Township. Any

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operator suspected of being in violation of this Part shall be sent, via certified mail, a written notice from the Nutrient Management Officer which shall clearly cite the provisions of this Part which appear to have been violated. Any operation notified of suspected violation of the provisions of this Part shall have fifteen (15) calendar days to contact the Nutrient Management Officer.

3. Operator Response. The operator or agent of operation shall have thirty (30) calendar days after contacting the Nutrient Management Officer to:

A. Demonstrate to the satisfaction of the Nutrient Management Officer that no violation exists.

B. Bring the operation into compliance with the provisions of this Part as cited by the Nutrient Management Officer.

C. Request, in writing, an extension of time to bring the operation into compliance with the cited provisions of this Part.

The operator or agent shall notify the Nutrient Management Officer of the intent to act pursuant to either subsections (A), (B) or (C) above.

4. Failure to Respond. Failure of the operator to comply with the provisions of subsection §108(3) to the full satisfaction of the Nutrient Management Officer shall result in the issuance of a violation, which shall constitute a cease and desist order. Other legal action may be taken, as necessary, by the Walker Township Board of Supervisors with assistance from the Solicitor and the Nutrient Management Officer to halt said violation.

5. Emergency Procedure. In the event that a situation exists which is causing, or is substantially threatening to cause, either (A) damage to life or property or (B) pollution of ground or surface waters, the Township may require an immediate response by the operator to correct such situation, which action shall be specified by the Nutrient Management Officer or the Walker Township Board of Supervisors. In the event that the operator fails to comply with such requirement, the Township may undertake such necessary action. The operator shall be held responsible for the cost of such necessary repairs, and further may face prosecution under the provisions of this Part or under the appropriate Commonwealth statute protecting against criminal negligence.

6. Penalties. Any operator found in violation of the provisions of this Part shall pay all court costs required to obtain enforcement, including the payment of all fines imposed. Any operator, upon being found in violation of the provisions of this Part shall pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars for each day the violation exists.

(Ord. 1992-2, 4/30/1992, §8)

§109. Appeals.

1. Appeal Procedure. Any person aggrieved by the decision of the Nutrient Management Officer may file an appeal with the Chairman of the Walker Township Board of Supervisors (Board) to be heard at a duly advertised public hearing. Appeals to the Board shall be filed, in writing, with the Chairman within thirty (30) days after notice of the decision of the Nutrient Management Officer. The Board shall hold a hearing upon the aggrieved person's request within thirty (30) days after the request is filed with the Chairman. After submitting a challenge to the Board, and upon the decision by the Board, any party still aggrieved may appeal such decision to the Court of Common Pleas.

(Ord. 1992-2, 4/30/1992, §9)

Technical Addendum 1

Supplemental Design and Construction Standards

1. All agricultural waste storage facilities shall be designed to meet or exceed the design standards published in May 1991, in the Agricultural Soil Conservation Service Technical Guide for Pennsylvania, §IV, Waste Storage Structures, hereinafter the "Technical Guide," with the following additional restrictions:

A. No earthen impoundments, ponds or lagoons shall be acceptable.

B. Storage tanks which are sealed or covered, which are constructed from masonry concrete, nonstructural concrete slab or glass fiber reinforced plastics/resins and glass-fused steel, and which comply with the design standards of the Technical Guide shall be permitted.

C. All storage facilities shall have a capacity to store not more than six (6) months of waste.

Technical Addendum 2

Supplemental Operational and Monitoring Standards

1. A means of monitoring the potential leakage from a storage facility shall be provided. A minimum of one groundwater observation point shall be located in close proximity of the storage facility, and shall intercept the groundwater table downgradient from the storage facility.

2. A leak detection system such as underdrains may be used to fulfill the requirements of paragraph 1.

3. Any storage facility proposed to be located in the watershed of a high quality stream or in a high priority watershed, which has a design capacity in excess of ten thousand (10,000) gallons, shall be designed and constructed with a secondary containment structure. The secondary containment structure shall have the capacity to control a full-volume failure of the primary storage structure.

4. All leaks or evidence of leaks shall be reported immediately upon discovery to the Nutrient Management Officer.

Part 2

Nuisances

A. Definitions.

§201. Definitions. The following words when used in this Part or any accompanying resolution shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

GARBAGE - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, trash, refuse and all material no longer being used or suited for its initial intended use.

JUNK - any material, including but not limited to old rope, appliances, machinery, metal, parts of machinery, glass, wood, containers, equipment and the like no longer suitable for its intended use but which may be turned to some minor, incidental or other use.

LESSEE - the person to whom the owner of property has granted possession, either by express statement or by implication.

MOTOR VEHICLE - every devise of motor power in, upon or by which any person or property may be or at one time might have been transported.

NUISANCE - any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Township.

OWNER - the actual owner or custodian of the property on which vehicles, machinery, equipment or materials are stored, or where buildings, structures or operations are located or where other alleged hazards or nuisances are in existence, whether individual, partnership, association or corporation.

PERSON - every natural person, association, partnership or corporation. The singular shall include the plural. Whenever used in connection with prescribing or imposing penalty, or both, the term as applied to a partnership shall mean the partners or any of them and as applied to corporations or associations shall mean the officer(s) thereof.

RUBBISH - all putrescible solid wastes (except body wastes), including solid market and industrial wastes and all nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as solid market and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials, no longer suitable for its intended use and which cannot be turned to some minor, incidental or other use.

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SUPERVISORS - Board of Supervisors of Walker Township, Juniata County, Pennsylvania.

TOWNSHIP - Walker Township, Juniata County, Pennsylvania.

(Ord. 1998-9, 11/2/1998, Introduction)

B. Title.

§211. Title. This Ordinance shall be known and may be cited as the "Walker Township Nuisance Ordinance of 1998-9." (Ord. 1998-9, 11/2/1998, Introduction)

C. Prohibited.

§221. Health Hazards and Nuisances Prohibited. It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to the residents of Walker Township. While not necessarily intended to be a comprehensive list, the establishment, maintenance, operation or continuance of any of the following at any time within Walker Township is hereby declared to be a nuisance under the terms of this Part.

A. The maintenance or storage by an owner or lessee of a motor vehicle which is unable to move under its own power and has any of the following physical defects:

- (1) Broken windshields, mirrors or other glass with sharp edges.
- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Missing doors, windows, hood, trunk or other body parts which could permit vermin harborage.
- (4) Any exposed body parts with sharp edges including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit vermin harborage.
- (7) Broken headlamps or tail-lamps with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Any vehicle or part thereof suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanism for doors or trunk.
- (14) Open or damaged floor boards including trunk and firewall.
- (15) Damaged bumpers pulled away from the perimeter of vehicle.

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- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.

(19) Such other defects which the Supervisors might deem threaten the health, safety and welfare of the citizens of Walker Township.

B. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material if any of the following conditions exist with respect thereto:

(1) Broken glass or metal parts with sharp or protruding edges.

(2) Openings or areas which are conducive to the harboring of vermin.

(3) Storage in any manner which would allow the junk, garbage, rubbish or material, or any part thereof, to easily shift, tilt or fall from its original storage position.

(4) The presence of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.

(5) Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard or nuisance.

C. The maintenance of abandoned or neglected buildings, structures, sidewalks or premises, which shall pose or constitute any of the following conditions or hazards:

(1) A fire hazard to adjoining structures and other property within the Township.

(2) A danger of infestation by vermin.

(3) An area which is or which might potentially serve as an area of play or attraction for children of the Township or the public in general.

(4) Buildings or structures whose interior walls or other vertical structural members list, lean, or buckle to such an extent that block line passing through the center of gravity falls outside of the middle third of its base.

(5) Buildings or structures which, exclusive of the foundation, show thirty (30) percent or more of damage or deterioration of the supporting members, or fifty (50) percent or more of damage or deterioration of the non-supporting interior or outside walls or covering.

(6) Buildings or structures which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(7) Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of the occupants or to others in the vicinity.

(8) Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.

(9) Buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other means of access and egress.

(10) Buildings or structures, parts of which are so attached that they may fall and injure members of the public or cause damage to property.

(11) Premises which have lawn grass, vegetation and/or ground cover in excess of six (6) inches in height.

(12) Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard or nuisance.

D. The setting, maintenance, operation, conduct or permitting of the establishment and maintenance of fire, combustion or manufacturing, commercial or other process of which is or shall be accompanied by constant, periodic or occasional omission of smoke, sparks, ash particles, burned sawdust and debris, or the creation and spreading of ash, debris, poisons and like materials on surrounding or adjacent property to the annoyance, disturbance and detriment of surrounding property owners, residents, passers-by and the traveling public.

(Ord. 1998-9, 11/2/1998, Art. I, §1)

D. Nuisances.

§231. Investigation and Declaration of Nuisances. Whenever it shall be reported or shall come to the attention of any Township official, Zoning Officer or Township police officer that any building, structure, automobile, junk or other condition is in a dangerous condition, which might constitute a threat or potential threat to the health, safety or welfare of the citizens of the Township, the Board shall immediately cause an investigation to be made of such condition. Said investigation shall be made and conducted by one or more of the members of the Board. The Board may, after investigation, find and declare any or all of the conditions defined or set forth in §221 of this Part as a nuisance or health hazard, to be a nuisance in fact. (Ord. 1998-9, 11/2/1998, Art. II, §1)

§232. Notice to Abate Nuisances. Upon finding that creation and maintenance of any of the above conditions is a nuisance in fact, the Supervisors may give the owner or lessee of the property upon which said nuisance is located and any person permitting the maintenance of such a nuisance, at least fifteen (15) days notice to completely remove, repair or abate the same. Said notice may be sent by certified mail, return receipt requested, may be delivered in person or may be posted upon the premises if said person, lessee or owner of the property can not be found. (Ord. 1998-9, 11/2/1998, Art. II, §2)

E. Penalties.

§241. Penalties and Remedies.

1. Any person violating any of the provisions of this Part shall be guilty of an offense and shall upon conviction thereof before a District Justice of this County, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars, together with the costs of prosecution and, in default of payment of said fine and costs, to undergo imprisonment in the County Jail for a period of not more than thirty (30) days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this Section for each and every such separate offense.

2. In addition to the foregoing penalty, Walker Township may require the owner, lessee or person occupying the property to remove any nuisance, hazard or dangerous structure on public or private grounds, or otherwise abate the nuisance and should said person fail to remove the same after notice provided for in §232, Walker Township may cause the same to be done and collect the costs thereof, together with a penalty of ten (10) percent of such costs in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by bill in equity.

(Ord. 1998-9, 11/2/1998, Art. III, §1)

