

**COUNTY OF CARBON  
COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. 2001-01**

**CARBON COUNTY CHEMICAL SPRAYING ORDINANCE**

AN ORDINANCE OF THE COUNTY OF CARBON FORBIDDING AND PROHIBITING ANY ENTITY FROM CHEMICAL SPRAYING WITHIN THE COUNTY OF CARBON.

IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners of Carbon County that, chemical spraying be prohibited within the County of Carbon as herein ordained.

**Section 1 - Short Title**

This Ordinance shall be known and may be cited as the CARBON COUNTY CHEMICAL SPRAYING ORDINANCE.

**Section 2 - Purpose**

This Ordinance is adopted for the following purposes:

- a. To protect and provide for the public health, safety and general welfare of the County of Carbon.
- b. To protect the watersheds of bodies of water in the County of Carbon from chemical pollution.
- c. To maintain the aesthetic beauty of the County of Carbon.

**Section 3 - Definitions**

The following words and phrases when used in this Ordinance shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

“County.” The County of Carbon.

“Entity.” Any municipality, corporation, company, association, partnership, organization of persons, corporate or otherwise.

"Chemical." Any substance used for the purpose of killing, destroying or removing trees, shrubs, grass, weeds, flowers, foliage or similar type of growths.

"Public Road." Any road within the County of Carbon open to use by the public.

"Body of Water." Any river, stream, creek, water way, lake, pond or the like, whether of natural origin or man-made.

#### **Section 4 - Prohibited Conduct**

No entity shall apply, spray or utilize chemicals in any manner within the boundaries of the County of Carbon for the purpose of creating or maintaining a right-of-way, private road, path, clearing of brush or weeds, vegetation or the like.

#### **Section 5 - Protection of Agricultural Operations**

This Ordinance hereby specifically incorporates that Act known as the Protection of Agricultural Operation from Nuisance Suits and Ordinances Act, 3 P.S. Section 951, et seq.

#### **Section 6 - Repealer**

All ordinances and resolutions or parts thereof which are inconsistent herewith are hereby repealed.

#### **Section 7 - 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 Commissioners of the County of Carbon that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

#### **Section 8 - Penalty**

Any entity in violation of a prohibition or restriction imposed under this Ordinance is guilty of a summary offense and shall, upon conviction, be sentenced to

pay a fine not to exceed One Thousand (\$1,000.00) Dollars to be paid to the use of the County, with associated costs of prosecution, for each and every offense. Provided that each continuing day of violation of this ordinance shall constitute a separate offense.

**Section 9 - Enforcement**

The County specifically maintains the right to stop, impede, obstruct and take all appropriate actions against the entity in violation of the within Ordinance and engaging in conduct prohibited hereunder by means of enjoining such conduct through appropriate action filed in the appropriate District Justice Court and/or the Court of Common Pleas and it specifically reserves and maintains all such other remedies at law or equity as may be available to the County under appropriate statutory or regulatory authority.


**Section 10 - Effective Date**

This Ordinance shall become effective as of May 1, 2001.

DULY ORDAINED AND ENACTED this 26<sup>th</sup> day of April, 2001, by the Carbon County Board of Commissioners in lawful session assembled.

**CARBON COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Wayne E. Nothstein, Chairman

  
\_\_\_\_\_

Tom C. Gerhard, Vice-Chairman

  
\_\_\_\_\_

Charles Getz, Member

ATTEST:

  
\_\_\_\_\_

Randall L. Smith

Chief Clerk/County Administrator