

**BLOOMSBURG TOWN COUNCIL WORKSHOP  
BLOOMSBURG FIRE HALL (ZOOM)  
WEDNESDAY, JANUARY 19, 2022- 6:00 P.M.**

**PUBLIC CAN JOIN:**

**DIAL: +1 646 558 8656 US & INCLUDE THE MEETING ID: 456-920-3798 & PRESS #.**

**JOIN ONLINE AT: <https://us02web.zoom.us/j/4569203798>.**

**Call to order.**

**Pledge of allegiance.**

**Council remarks.** Bloomsburg stakeholders (property owners/ business owners) are limited to five minutes.

**Timeline.**

**Impact to the citizens.**

**Impact to the Town.**

**Draft amended noise ordinance.**

**Draft dirt ordinance.**

**Citizens to be heard.**

Larry Hopper.

Thomas Nate Person- Zoom.

Dick Osborne- Zoom.

John Heydenreich.

Mark Gardner.

Mary Hill- Zoom.

## **Fair Timeline**

- October 15, 2020-** Verification from Greg Haas (Planning Commission Engineer) that no Land Development review was needed.
- October 16, 2020-** E-mail from Robert Davidson, Esquire who represents the Bloomsburg Fair (Hummel, Lewis & Davidson, LLPL) regarding the new race track. Races held in 1946 at the Bloomsburg Fair racetrack. The use predates the Town's Zoning Ordinance. The request for construction was for dirt relocation and no structural additions triggering a zoning permit at that time. The Town of Bloomsburg appointed Hummel, Lewis & Davidson, LLP as the January- December 2021 Town Solicitor.
- October 2020- May 2021-** Racetrack construction period.
- June 20, 2021-** First race on the new track at the fairgrounds.
- June 22, 2021-** E-mail from Ken Roberts (Town of Bloomsburg Director of Code Enforcement) requesting building permit and zoning permits for the wall, fencing, light standards and any other structures that were erected on the grounds as they were all built without Uniform Commercial Code (UCC) approval.
- August 16, 2021-** Noise ordinance workshop.
- August 19, 2021-** Town of Bloomsburg engaged with Buchanan Ingersoll & Rooney PC for legal assistance regarding the noise and dirt concerns.
- August 26, 2021-** Meeting with Barry Isett, Fair officials and Town representatives for onsite inspection at the race track.
- September 21, 2021-** Town representatives met with Fair representatives to discuss expectations for further racing.
- November 9, 2021-** Bloomsburg Fair submitted payments to the Town of Bloomsburg for permits.
- December 13, 2021-** Council deciding to approve advertising the noise and dirt ordinances.
- January 19, 2022-** Workshop regarding dirt and noise ordinance to be held at the Bloomsburg Fire Hall.

## Kyle Bauman

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**From:** Kyle Bauman  
**Sent:** Thursday, October 15, 2020 7:54 AM  
**To:** Greg Haas  
**Subject:** FW: Fair Race Track  
**Attachments:** Proposed Track Rendering.pdf

Greg,

Good morning! I have an additional submission I would like a second opinion on. The Fair has an offer to contract dirt track races from time to time. The track rendering shows that they will be demolishing the stage and building an additional dirt track inside the existing horse track. It appears that fencing and light poles would be added.

The attorney for the project didn't believe the upgrades met the definition of Land Development, so I wanted to forward to you in request that you can provide me your professional opinion. I like this idea, but wanted to advise the applicants accordingly. No LD application has been submitted, however, they do need to move quickly on this project, I'm being told.

I appreciate the review and opinion. Hope all is well with you pal.

Kyle

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**From:** Robert Davidson  
**Sent:** Wednesday, October 14, 2020 3:33 PM  
**To:** Kyle Bauman <kbauman@bloomsburgpa.org>  
**Subject:** Fair Race Track

Kyle,

Attached please find copies of the renderings we discussed. Please review and let me know what approvals would be required from the Town for his project.

Thanks,

Rob

D. Robert Davidson, Esquire  
HUMMEL, LEWIS & SMITH, LLP  
3 East Fifth Street  
Bloomsburg, PA 17815

<https://www.hummelandlewis.com>

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## **Lisa Dooley**

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**From:** Greg Haas  
**Sent:** Wednesday, January 19, 2022 1:29 PM  
**To:** Kyle Bauman; Lisa Dooley; jhumell@bloomsburgpa.org  
**Subject:** Bloomsburg Fair --- Racetrack

Kyle, Lisa, & Justin,

Kyle asked me to provide this email with regards to the above referenced project.

In about October of 2020, when I was an employee of Carbon Engineering Inc. and the Town's Planning Commission Engineer, Kyle asked me if the conversion of the racetrack at the Fairgrounds from what was a horse track to a motor vehicle facility would require the submittal of a formal land development plan.

At that time, as with all similar questions, I relied on the definition of 'Land Development' within Town Ordinances.

As per Part 3 DEFINITIONS of the Town's Municipal Code, Chapter 27 Zoning, the definition of 'Land Development' is as follows:

### "LAND DEVELOPMENT

A. Shall consist of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure;
- (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; or
- (c) The improvement of land for the installation of parking lots, airport runways, accessory buildings, and any other structure having an impervious surface coverage area in excess of 2,000 square feet.

(2) The subdivision of land.

B. The following are exempt when such land development involves:

- (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) The addition of an accessory building not in excess of 2,000 square feet, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply

to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.”

The definition provided within Part 3 DEFINITIONS of the Town’s Municipal Code, Chapter 22 Subdivision and Land Development, is the same except it does not include the exemptions noted as “B.(1),(2), & (3)” in Chapter 27 Zoning.

Because the proposal and information presented at the time did not involve any buildings, did not propose to divide or allocate land between two or more occupants, did not propose impervious surfaces in excess of 2,000 square feet, and did not involve a subdivision of land, I determined that the project would not require the formal submittal of a Land Development Plan.

If you have any questions regarding this matter, please feel free to reach out to me at your convenience.

Regards,  
Greg

Gregory S. Haas, P.E.



863 Interchange Road  
Kresgeville, PA 18058

**in f**

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## Ken Roberts

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**From:** Robert Davidson  
**Sent:** Friday, October 16, 2020 3:35 PM  
**To:** Ralph Magill  
**Cc:** Kyle Bauman; Ken Roberts; Andrew Barton  
**Subject:** Bloomsburg Fair Race Track

Ralph,

Thanks for taking the time to speak with me regarding the Bloomsburg Fair track. As we discussed, the Fair intends to construct a new race track within the perimeter of the existing race track. This track will be used primarily for automotive races. Kyle has already made a determination that this project does not require land development approval. As we discussed, I don't believe that it this requires a zoning permit.

Under § 27-902 Permits. 1. Requirements. It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. No permit shall be required for the repair, maintenance or interior remodeling of any building, structure or grounds provided such repairs, maintenance or remodeling do not change the use or otherwise violate the provisions of this Chapter.

There will be no construction of any buildings. This will primarily will be the remodeling of grounds, which is specifically excluded from a permit. Regarding the use itself, this use predates the Zoning Ordinance. I did a quick internet search and found races were held in 1946. The one and only NASCAR race held at the Fair Grounds was in 1953. Mario Andretti raced at Bloomsburg in 1961. Motor sports events have continually occurred at the fairgrounds to present day. While these events have occurred during fair week, they have also occurred at other times as well. In 2019 the following motorsports events occurred outside of fair week, Bloomsburg Summer Nationals Tractor Pull, Bloomsburg Nationals Car Show and Two Mud Dog Saints – Mud Bog Racing Event one in the spring and one in the fall, along with Truck/SUV Derby with Figure 8 Racing and Mini Van Derby, Tractor and Truck Pulling and Demo Derby occurring during fair week.

Please let me know if we need to do anything for zoning approval.

Thanks,

Rob

D. Robert Davidson, Esquire  
HUMMEL, LEWIS & SMITH, LLP  
3 East Fifth Street  
Bloomsburg, PA 17815

[robd@hls.law](mailto:robd@hls.law)

<https://www.hummelandlewis.com>



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## Ken Roberts

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**From:** Andrew Barton  
**Sent:** Tuesday, June 22, 2021 12:15 PM  
**To:** Ken Roberts  
**Cc:** Mark Prout, BCO  
**Subject:** Re: Fair racetrack

Yeah I didn't know any of that either other than the light poles and I believe I asked Kyle about the light poles when you were out but said we didn't need to do anything....that may be specific to flooding.

Do the walls and the fence need to be certified for anything or you just need them shown on the plan?

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**From:** Ken Roberts <kroberts@bloomsburgpa.org>  
**Sent:** Tuesday, June 22, 2021 11:54:28 AM  
**To:** Andrew Barton <abarton@livicco.com>  
**Cc:** Mark Prout, BCO <mprout@barryisett.com>  
**Subject:** Fair racetrack

Good morning Drew,

Are you still representing the fair in regards to the new racetrack? If so we have some issues that we need to work out. I will need a building permit and zoning permit applied for as well as stamped plans for the wall, fencing, light standards and any other structures that have been erected on the grounds as they were all built without UCC approval. None of that was part of the approval given in the floodplain application. We simply understood and permitted the movement and compaction of dirt. It has been brought to my attention and verified by photos that there were structures built that do not fall under the agricultural use in regards to the building codes as listed above. If you can get those documents submitted in the next week I may be able to avoid issuing a stop work which would also require you to stop using the track. It has been reported that some sort of racing light pole had actually fallen down. I can't verify that other than by what I have been shown floating around social media. This may have been prevented had a plan review and subsequent inspections been performed. If you could please submit a building permit application with stamped plans for all structures to include light posts, walls, fencing, etc, we will do our best to resolve this in a timely fashion.

Ken

**Ken Roberts, CCEO, BCO, CFM**  
Director of Code Enforcement



**E-mail:** [KRoberts@bloomsburgpa.org](mailto:KRoberts@bloomsburgpa.org)

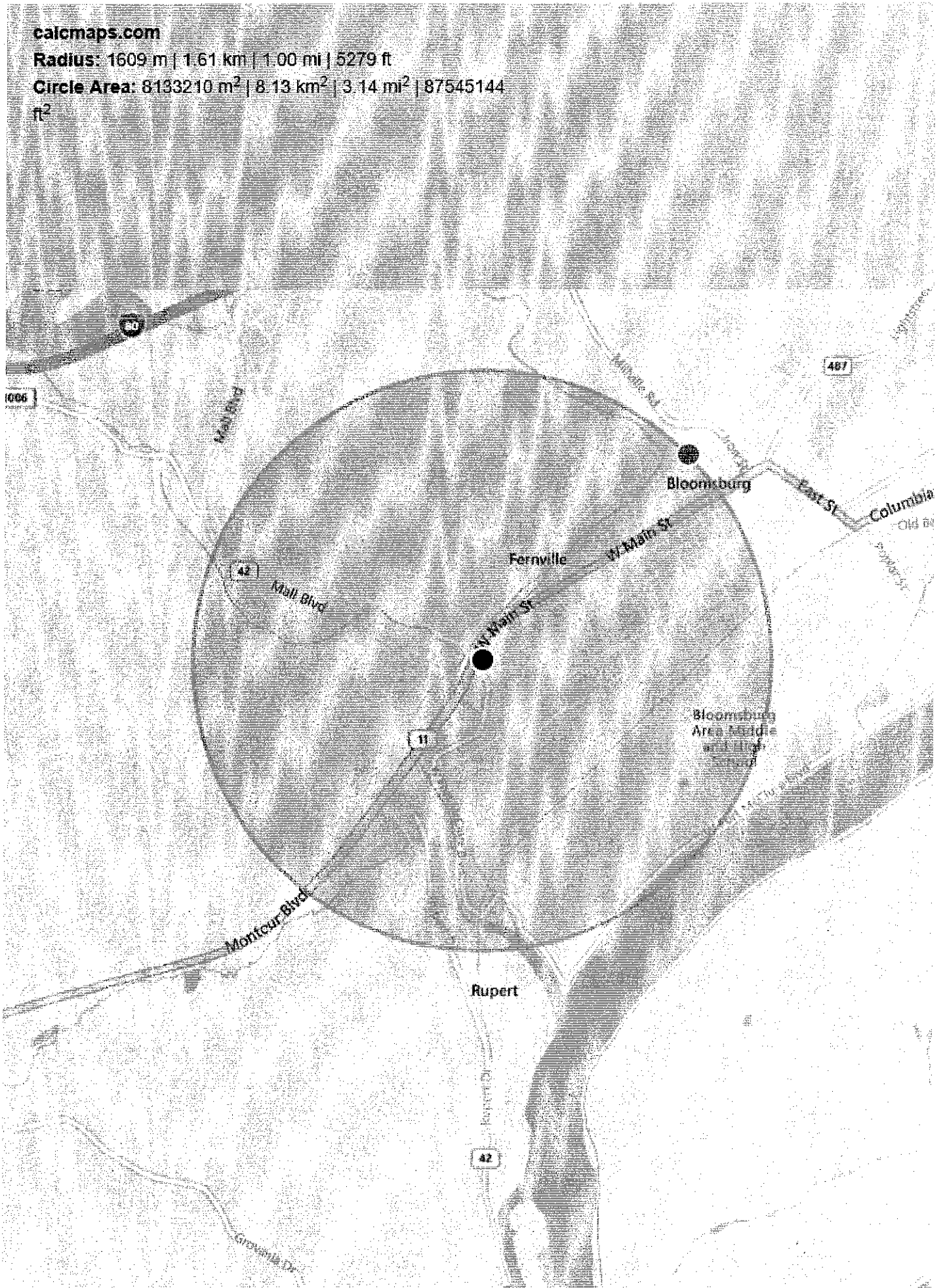
**Mobile:** (570) 316-1534 **Office:** (570) 784-7123 Ext. 116 **Fax:** (570) 784-1518

**Website:** [www.bloomsburgpa.org](http://www.bloomsburgpa.org) **Address:** 301 E. 2<sup>nd</sup> Street, Bloomsburg PA 17815

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Radius: 1609 m | 1.61 km | 1.00 mi | 5279 ft

Circle Area: 8133210 m<sup>2</sup> | 8.13 km<sup>2</sup> | 3.14 mi<sup>2</sup> | 87545144 ft<sup>2</sup>





**TOWN OF BLOOMSBURG  
COLUMBIA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 10, PART 2 OF THE CODE OF  
ORDINANCES OF THE TOWN OF BLOOMSBURG RELATING TO THE  
REGULATION OF EXCESSIVE NOISE**

**WHEREAS**, the Town of Bloomsburg ("Town") currently maintains a noise ordinance contained in Chapter 10, Part 2 of its Code of Ordinances ("Noise Ordinance") which aims to ensure that public health, safety and welfare will not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive noises in the Town;

**WHEREAS**, The Town Council recognizes that uncontrolled noise represents a nuisance and a danger to the health and welfare of its residents and that each person in the community is entitled to live in an environment in which the level of noise is minimized for the community's common benefit.

**WHEREAS**, The Town Council now desires to amend the Noise Ordinance as set forth herein.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Council of the Town of Bloomsburg, Columbia County, Pennsylvania that Chapter 10, Part 2 of the Town's Code of Ordinances, is amended as follows:

**SECTION 1.**

Chapter 10, Part 2, Section 10-203 of the Code of Ordinances, is hereby modified by adding the following definition for "Annual Fair Event:"

**ANNUAL FAIR EVENT**

**The event known as the "Bloomsburg Fair" that is held one-time annually by the Bloomsburg Fair Association, which occurs for a period of 7 to 10 consecutive days during the months of September and/or October.**

**SECTION 2.**

Chapter 10, Part 2, Section 10-204 of the Code of Ordinances, is hereby modified by deleting the following stricken language and adding the following underscored language:

- A. Radios, Television Sets, Musical Instruments and Similar Devices. No person owning, leasing, occupying or having charge of any building or premises or any part thereof in the Town of Bloomsburg shall operate, play or permit the operation or playing of any radio, CD player, VCR, DVD, television, phonograph, highfidelity equipment or similar devices, drum, musical instrument or sound amplifier at any time in such a manner as to cause a noise disturbance across a real property boundary at any time during the day or night. A

~~decibel reading of 70dBA or above measured by a noise meter beyond 30 feet from the property boundary shall be a violation of this Part. exceeding dBA between 7 a.m. and 10 p.m. or dBA between 10 p.m. and 7 a.m. at the real property boundary of any residentially zoned property shall be a violation of this Part.~~

- B. Automobile Radios, Automobile Stereos, Portable Radios and Stereos. No person shall play an automobile radio or automobile stereo which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance, whether audible sound or vibration, across any real property boundary or 30 feet from such device, whichever is less, when the device is operated in or on a motor vehicle or carried on a public right-of-way or public space at any time during the day or night. ~~A decibel reading of 70dBA or above measured by a noise meter beyond 30 feet from the property boundary shall be a violation of this Part. exceeding dBA between 7 a.m. and 10 p.m. or dBA between 10 p.m. and 7 a.m. at the real property boundary of any residentially zoned property shall be a violation of this Part.~~

### SECTION 3.

Chapter 10, Part 2, Section 10-205 of the Code of Ordinances, is hereby modified by deleting the following stricken language and adding the following underscored language:

This Part shall not apply to:

- A. Emergency Services/Municipal Services/Public Utilities.
- 1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or service by a municipality or emergency service.
  - 2) Sounds generated from or incidental to emergency or nonemergency repairs to public utilities or any other emergency public works function by a municipality or public utility.
- B. Churches and Official Buildings. Music, bells, chimes or other sounds which are emanating from a church, or place of worship, or certain Town, County or State buildings, approved by Town Council.
- C. Nonconforming Uses. Sounds generated in commercial and industrial zoning districts or by recognized nonconforming uses which are necessary and incidental to the uses permitted, provided such sounds do not exceed dBA between 7 a.m. and 10 p.m. or dBA between 10 p.m. and 7 a.m., for a continuous period of more than minutes, at the real property boundary of any residentially zoned property.
- D. Town, County and State Events.

- 1) Sound generated by activities which are an official or an approved part of any Town, County or State approved or licensed festival or activity, provided that such exemption shall terminate at 12:00 midnight.
- 2) Sound generated at any time from school-sponsored athletic or recreational events.
- 3) Activities at the Bloomsburg Fairgrounds **provided that, other than during the annual fair event, motorized racing and motorized vehicle exhibition activities at the Bloomsburg Fairgrounds shall only be exempt from the requirements of this Chapter on Fridays and Saturdays from noon until 10 p.m. and, other than during the annual fair event, may only be exempt for a maximum of days during a calendar year.**
- 4) Fireworks displays pursuant to a properly issued permit.

#### SECTION 4.

Chapter 10, Part 2, Section 10-206 of the Code of Ordinances, is hereby modified by deleting the following stricken language and adding the following underscored language:

1. Violations. Any person committing any of the acts prohibited above shall be in violation of this Part and be subject to the penalties set forth below.
2. Penalties. Any person violating this Part shall, upon conviction in a summary proceeding, be sentenced to pay a fine not to exceed \$600 **\$1,000 for the first offense and \$2,000 for each subsequent offense**, to the use of the Town of Bloomsburg, along with costs of prosecution, or to be imprisoned for not more than 10 days or both.
3. Prima Facie Violation. The noise from any of the aforesaid prohibited acts that disturbs two or more residents, who are in general agreement as to the times and durations of the noise and who reside in separate residences (including apartments and condominiums) located across a real property boundary from the property on which the source of the noise is generated, shall be prima facie evidence of a noise disturbance across a real property boundary. Nothing herein is intended to preclude proof of a noise disturbance beyond a property line by less than two witnesses or by a noise meter as set forth herein.
4. Noise Meters. When a noise disturbance is proved through the use of a noise meter to determine the decibel level of the noise, evidence of the decibel level shall be admissible in any prosecution under this Part upon certification that the noise meter was self-tested on the day that it was used and upon certification that the noise meter was certified to be accurate within accepted standards by the manufacturer, within one year prior to its use.
5. Legal Actions. The Police Department **or the Code Enforcement Officer** of the Town of Bloomsburg may initiate and prosecute legal actions for violations of this Part without the need of a complaint or the testimony of complainants. **In addition, the Town may institute injunctive or any other appropriate action or proceeding at law or in equity**

**for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.**

**SECTION 5.**

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction such shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

**SECTION 6.**

This Ordinance shall be effective upon enactment.

**ORDAINED AND ENACTED** into law this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

TOWN OF BLOOMSBURG

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
MAYOR

**TOWN OF BLOOMSBURG  
COLUMBIA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE ENACTING A NEW PART 4 OF CHAPTER 10,  
HEALTH AND SAFETY, OF THE CODE OF ORDINANCES OF THE  
TOWN OF BLOOMSBURG TO PROVIDE FOR THE REASONABLE  
REGULATION OF FUGITIVE DUST EMISSIONS**

**WHEREAS**, the Town Council of the Town of Bloomsburg ("Town") has determined that air pollution from fugitive dust emissions is detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of the Town;

**WHEREAS**, the Town Council hereby declares it to be the policy of the Town to safeguard the citizens of the Town from such air pollution;

**WHEREAS**, the Pennsylvania Air Pollution Control Act provides that the Town is empowered to adopt ordinances to regulate fugitive dust emissions; and

**WHEREAS**, the Town Council desires to provide for the reasonable regulation of such fugitive dust emissions as set forth herein.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Council of the Town of Bloomsburg, Columbia County, Pennsylvania that Chapter 10 of the Town's Code of Ordinances is supplemented by adding a new Part 4, as follows:

**SECTION 1.**

A new Part 4 of Chapter 10 entitled "Fugitive Dust Control" is hereby adopted, as follows:

**§ 10-401 Title**

This Part shall be known and may be cited as the Town of Bloomsburg Fugitive Dust Control Ordinance.

**§ 10-402 Definitions**

The following words, terms, and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

(1) Dust palliative. A substance used to abate the dispersion of particulate matter into the air. Dust palliatives for use on roads and other surfaces may be water or other substances approved by the Pennsylvania Department of Transportation ("PennDOT") and the Department of Environmental Protection ("DEP").

(2) Fugitive Particulate Matter of Fugitive Dust. Solid airborne particulate matter emitted from any source other than a flue or stack.

(2) Person. Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(3) Roads and streets. Any paved or unpaved public or private roadways, including racetracks and parking areas.

(4) Used oil. A petroleum-based or synthetic oil which is used in an internal combustion engine as an engine lubricant, or as a product for lubricating motor vehicle transmissions, gears, or axles which, through use, storage, or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

(5) Waste oil. Oil refined from crude oil or synthetically produced, used, and as a result of the use, contaminated by physical or chemical impurities. The term includes used oil or oil whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed.

#### **§ 10-403 Regulations**

(1) A person responsible for any of the following activities or sources of fugitive air contaminants shall take all reasonable actions to prevent particulate matter from becoming airborne:

- (a) Construction or demolition of buildings or structures.
- (b) Construction, grading, paving, and maintenance of roads and streets.
- (c) Use of roads and streets.
- (d) Clearing of land.
- (e) Stockpiling of materials.

(2) A person shall not permit fugitive particulate matter to:

- (a) be emitted into the outdoor atmosphere from a source listed in Section 10-403(1) if the emissions are visible at the point the emissions pass outside the person's property, or
- (b) adversely affect any other person, their property, or their reasonable enjoyment of their property.

#### **§ 10-404 Abatement**

(a) A person responsible for any source specified in Section 10-403 shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions include, but are not limited to, the following:

(1) Use, where possible, of water or approved dust palliatives for control of dust in the demolition of buildings or structures, construction operations, the grading or use of roads or streets, or the clearing of land. The dust palliative used must be one which is approved by PennDOT and by the DEP. The method of application must be one which is approved by PennDOT and by the DEP. The use of waste oil as a dust palliative is prohibited.

(2) Application of asphalt, water, or approved dust palliatives on dirt roads, race tracks, material stockpiles, and other surfaces which may give rise to airborne dusts. The dust palliative used must be one which is approved by PennDOT and by the DEP. The method of application must be one which is approved by PennDOT and by the DEP. The use of waste oil as a dust palliative is prohibited.

(3) Paving and maintenance of roadways.

(4) Immediate removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

(b) Dust control plan. If a person is responsible for emitting fugitive dust into the outdoor atmosphere from a source listed in Section 10-403(1), then such person shall, upon request of the Town, submit a fugitive dust control plan to the Town Code Enforcement Officer outlining the mitigation measures that will be undertaken to prevent fugitive dust from becoming airborne and escaping the property.

#### **§ 10-405 Exceptions**

The requirements of this Part do not apply to fugitive dust emissions arising from the production of agricultural commodities in their unmanufactured state on the premises of the farm operation or to Town or public utility authorized maintenance and cleaning activities.

#### **§ 10-406 Enforcement Orders**

(1) The Town's Code Enforcement Officer shall have the power and duty to enforce the provisions of this Part.

(2) The Code Enforcement Officer may issue such orders as are necessary to aid in the enforcement of the provisions of this Part. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful activities or cease operation of a fugitive dust source which, in the course of its operation, is in violation of any provision of this Part; orders to take corrective action or to abate a public nuisance; orders requiring

the testing, sampling, or monitoring of any fugitive dust source; or orders requiring production of information. Such an order may be issued if the Code Enforcement Officer finds that any condition existing in or on the facility or source involved is causing or contributing to fugitive dust or if the Code Enforcement Officer finds that any person is in violation of any provision of this Part.

(3) The Code Enforcement Officer may, in its order, require compliance with such conditions as are necessary to prevent or abate fugitive dust emissions or effect the purposes of this Part.

(4) An order issued under this section shall take effect upon notice, unless the order specifies otherwise. The order may be appealed to the Code Appeal Board within ten (10) days of such order. An appeal to the Code Appeal Board of the Code Enforcement Officer order shall not act as a supersedeas, provided, however, that, upon application and for good cause shown, the Code Appeal Board may issue such a supersedeas.

(5) The authority of the Code Enforcement Officer to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this Part. The failure to comply with any such order is hereby declared to be a public nuisance and a violation of this Part.

#### **§ 10-407 Penalties**

Any person who violates any provision of this Part or any order of the Code Enforcement Officer issued pursuant to this Part commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than two thousand five hundred dollars (\$2,500.00). The Code Enforcement officer shall be authorized to issue or file citations for summary violations under this Part, and the Town's attorney is hereby authorized to prosecute these offenses. For purposes of this section, a summary offense may be prosecuted before any magisterial district justice in the Town.

In addition, the Town may institute injunctive or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

#### **SECTION 2.**

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction such shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.



**SECTION 3.**

This Ordinance shall be effective upon enactment.

**ORDAINED AND ENACTED** into law this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

TOWN OF BLOOMSBURG

\_\_\_\_\_  
LISA M. DOOLEY, SECRETARY

\_\_\_\_\_  
MAYOR