

ORDINANCE NO. 2004 - 2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, TO ESTABLISH PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS DESIGNED TO RETAIN SEWAGE FROM NON-RESIDENTIAL USES ON EXISTING PARCELS WITH SEWAGE FLOWS OF LESS THAN 800 GPD AND ALSO TO ESTABLISH PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS ON RESIDENTIAL PROPERTIES WITH MALFUNCTIONING SYSTEMS WHICH DO NOT MEET THE REQUIREMENTS FOR OTHER ON-LOT SYSTEMS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the purpose of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the residents of Marion Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, and it is hereby Enacted and Ordained by the authority of the same as follows:

SECTION ONE: Definitions

Holding Tank - A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage to an approved site. Tank must be placed underground and must be in conformance with all provisions of the Pennsylvania Code, Title 25, Chapter 73, Section 73.62 Standards of Holding Tanks, as amended.

Holding Tank Permit - A written approval as issued by the Sewage Enforcement Officer of the Township authorizing the installation and utilization of a Holding Tank.

Owner - Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Person - The term includes an individual; association; public or private corporation for-profit or not-for-profit; partnership; firm; trust; estate; department; board; bureau or agency of the United

States or Commonwealth; political subdivision; municipality; district; authority; or other legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership, or firm and the officers of a local agency or municipality, public or private corporation for-profit or not-for-profit.

Sewage - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substance harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

Sewage Enforcement Officer - An official appointed by the Township to review permit applications and sewage facilities planning modules and to issue permits as authorized by the Sewage Facilities Act to conduct investigations and inspections that are necessary to implement the said act and regulations thereunder.

Township - Marion Township, Berks County, Pennsylvania.

SECTION TWO: **Applicability**

This Ordinance establishes procedures for the use and maintenance of existing and new Holding Tanks designed to retain sewage from non-residential uses on existing parcels with sewage flows of less than 800 GPD and to establish procedures for the use and maintenance of existing and new Holding Tanks on the residential properties with malfunctioning systems which do not meet the requirements for on-lot systems.

SECTION THREE: **Responsibilities of the Township**

The Township shall receive, review and retain pumping receipts from every Owner of a Holding Tank Permit. Pumping receipts shall be submitted to the Township on the first days of January, April, July and November for all pumping performed in the three month period immediately preceding the submittal date.

- A. The Township shall complete and retain annual inspection reports from each Owner of a Holding Tank Permit. Inspection fees, as adopted by resolution of the Township, shall be paid by the Owner.

SECTION FOUR: **Duties of the Property Owner**

The Owner of the property that utilizes a Holding Tank shall:

- A. Prior to the issuance of the Holding Tank Permit, enter into a agreement with a licensed hauler approved by the Township, evidencing the hauler's agreement to collect, transport and dispose of the contents of the Holding Tank at a dumping site approved by the Department of Environmental Protection of the

Commonwealth of Pennsylvania. The Owner and not the Township shall have the responsibility to ensure the proper hauling and disposal of the Sewage from a Holding Tank; and

- B. Obtain a permit from the Sewage Enforcement Officer for permission to install a Holding Tank. Prior to and as a condition of issuance of the permit, the property Owner shall submit a plot plan showing the location of the tank, pay the applicable permit fee and shall pay an additional sum as prescribed by resolution as security for the compliance by the property Owner with the provisions of the Ordinance; and
- C. Maintain the Holding Tank in conformance with this or any Ordinance of the Township, the provisions of any applicable law and the rules and regulations of the Township or any administrative agency of the Commonwealth of Pennsylvania; and
- D. Permit the Township and/or it's agent to inspect the Holding Tank on an annual basis; and
- E. Permit the Township and/or a licensed hauler approved by the Township to collect, transport and dispose of the contents therein; and
- F. Pay within thirty (30) days any charge, rate or assessment which is fixed by the Township; and
- G. Fill or remove any Holding Tank which remained unused for a period of four (4) consecutive years by filling said tank with dirt or similar material; or fill or remove any Holding Tank within thirty (30) days after connection to another approved system.

SECTION FIVE: Violation

A violation of this Ordinance shall by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and shall result in a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per violation and may result in imprisonment to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day, or portion thereof, in which a violation is found to exist or for each section of this Ordinance which is found to be violated.

SECTION SIX: 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 Supervisors of Marion Township that this Ordinance would have been adopted had such constitutional, illegal, invalid sentence, clause, section or part thereof not been included therein.

SECTION SIX: **Repealer**

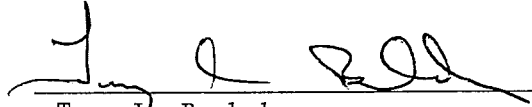
All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION SEVEN: **Effective date**


This Ordinance shall become effective five days after the date of its enactment.

DULY ENACTED AND ORDAINED this 18th day of November, 2004, by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, in public session duly assembled.


BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MARION, BERKS COUNTY,
PENNSYLVANIA



Tony V. Brubaker

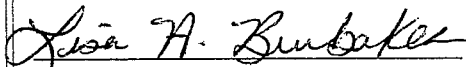


Harold E. Zechman



Harold I. Manbeck

ATTEST:



Marion Township Secretary
Lisa A. Brubaker
(Municipality Seal)