

TOWNSHIP OF MIDDLESEX

CUMBERLAND COUNTY, PENNSYLVANIA

NO. 4 -2004

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 8-94, AUTHORIZING THE USE OF RETAINING TANKS FOR THE COLLECTION OF WASTEWATER GENERATED FROM NON-RESIDENTIAL USE AND AMENDING ORDINANCE 3-01 WITH RESPECT TO THE INSPECTION OF HOLDING TANKS AND THE RETENTION OF RECORDS RELATING THERETO.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania as follows:

SECTION 1: BACKGROUND AND LEGISLATIVE PURPOSE.

WHEREAS, the Board of Township Supervisors of Middlesex Township (the "Board") enacted Ordinance 8-94, which ordinance authorized the use of retaining tanks in Middlesex Township for the collection of wastewater generated from uses specified therein subject to certain terms and conditions; and

WHEREAS, pursuant to Ordinance 1-99, the Board established an on-lot sewage system and facilities maintenance and management program applicable to, among others, all persons owning real estate in Middlesex Township that is served by an on-lot sewage system; and

WHEREAS, pursuant to Ordinance 3-01 the Board established, inter alia, inspection and reporting requirements applicable to retaining tanks; and

WHEREAS, the inspection and reporting requirements promulgated by the Board are required to be amended to conform to certain regulations of the Pennsylvania Department of

Environmental Resources, particularly those contained in the Pennsylvania Administrative Code, 25 Pa. Code Section 71.63; and

WHEREAS, certain rules enacted by the Commonwealth of Pennsylvania regulating and controlling on-site sewage disposal facilities virtually prohibit the use of traditional sewage disposal facilities for certain residential and non-residential uses, thereby depreciating property values; and

WHEREAS, the Board believes that it is in the best interest of property owners and prospective owners of real property in Middlesex Township to allow retaining tanks to be utilized on parcels of real estate used or to be used for non-residential uses or purposes.

SECTION 2: DEFINITIONS.

Except as specifically defined in this Ordinance, all words and phrases used herein shall have the same meanings as set forth in Ordinance 8-94, Ordinance 1-99 and Ordinance 3-01, which meanings are incorporated by reference herein.

"Non-Residential Premises": a parcel of real estate used for any commercial or industrial purpose or use, any non-residential use or any combination of residential and non-residential uses.

SECTION 3: AMENDMENT TO ORDINANCE 8-94.

Ordinance 8-94 is hereby amended to authorize and permit the use of retaining tanks on Non-Residential Premises, subject to all of the same terms, conditions, requirements, limitations, restrictions, enforcement remedies, violations, penalties and privileges as set forth in Ordinance 8-94 to the same extent as applicable to retaining tanks on Residential Premises.

SECTION 4: AMENDMENT TO ORDINANCE 3-01.

Ordinance 3-01 is hereby amended as follows:

A. Section 2: Definitions is hereby amended to include the additional definition of "Non-Residential Premises" as set forth in Section 2, above of this Ordinance.

B. The last sentence of Section 5.A is hereby amended in its entirety to provide as follows:

Therefore, the retaining tank shall be pumped and inspected for purposes of compliance with this Ordinance once each year by a Pumper/Hauler.

C. Section 7.A is hereby amended to include the following additional provision at the end thereof:

The Authority as agent for the Township shall receive, review and retain pumping receipts from permitted holding tanks and complete and retain annual inspection reports for each permitted holding tank.

D. Section 7.B is hereby amended to include the following additional provision at the end thereof:

All such permits, records, reports, files and other materials shall be kept and retained by the Authority as agent for the Township.

SECTION 5: EFFECT OF ORDINANCE.

This Ordinance is intended to supplement and add to Ordinance 8-94, Ordinance 1-99 and Ordinance 3-01, not to abridge, diminish or in any way alter the obligations, responsibilities, rights and remedies set forth therein. Except as modified and supplemented herein, the provisions of each of the foregoing Ordinances shall remain in full force and effect.

SECTION 6: SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance or the Ordinances referred to herein. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 7: EFFECTIVE DATE.

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 3rd day of November , 2004.

TOWNSHIP OF MIDDLESEX

By Charles W. Smith
Chairman, Board of Township
Supervisors

ATTEST:

Mary S. Smith
Township Secretary

(Township Seal)