

MIDDLESEX TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 -2005

AN ORDINANCE OF THE BOARD OF TOWNSHIP SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 3-2001, SECTION 7 AND AUTHORIZING THE MIDDLESEX TOWNSHIP MUNICIPAL AUTHORITY TO GRANT EXTENSIONS TO THE SCHEDULE OF REQUIRED PUMPING AND INSPECTION OF ON-LOT SEPTIC SYSTEMS, RETAINING TANKS AND PERMIT EXEMPT SYSTEMS.

WHEREAS, the Board of Supervisors of Middlesex Township (the "Board") by Ordinance No. 1-99 established an on-lot sewage system and facilities maintenance and management program; and

WHEREAS, the Board by Ordinance 3-2001 provided for inspection and reporting requirements for retaining tanks and permit exempt sewage systems; and

WHEREAS, on-lot septic systems, retaining tanks and permit exempt sewage systems are required to be inspected based upon certain schedules specified in Ordinance No. 1-99, Ordinance 3-2001 and Ordinance -2004; and

WHEREAS, the Middlesex Township Municipal Authority (the "Authority") is designated the authorized agent of Middlesex Township to administer the pumping and inspection schedules established by Ordinances of the Board; and

WHEREAS, the Board recognizes that unique and/or compelling circumstances may

exist that render the inspection of certain septic tanks, retaining tanks and permit exempt systems in accordance with the specified schedules unnecessary where such circumstances do not impact on the health, safety and welfare of the public;

WHEREAS, the Board desires to confer upon Authority the administrative authority to vary, waive or extend the pumping and inspection schedule otherwise applicable, on a case-by-case basis, where unique and/or compelling circumstances exist which justify such variance, waiver or extension.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1: The Preamble set forth above is incorporated herein as the background and legislative purpose of this Ordinance.

SECTION 2: Section 7 of Ordinance 3-2001 is hereby amended to include the following additional provision:

- C. The Authority is hereby given the power to extend and/or waive the schedule of pumping and/or inspection otherwise applicable to any on-lot septic system on a case-by-case basis provided the Authority finds that there are unique and/or compelling circumstances justifying such waiver or extension and that the health, safety and welfare of the public will not be jeopardized by such waiver and/or extension.

SECTION 3: Except only as amended, modified and changed by this Ordinance, Ordinance No. 3-2001 shall remain in all other respects in full force and effect, as subsequently amended.

SECTION 4: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the

remaining provisions of this Ordinance, Ordinance 3-2001 or any amendment thereof.

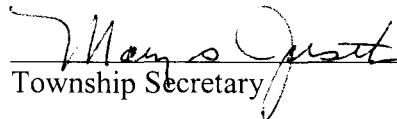
SECTION 5: This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 3rd day of August, 2005.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township Supervisors

ATTEST:


Township Secretary

(Township Seal)