

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 - 2010

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 8-94 TO ALLOW THE USE OF RETAINING TANKS AS DRAIN FIELD OVERFLOW TANKS AND ESTABLISHING AN ESCROW DEPOSIT THEREFORE.

WHEREAS, the Board of Supervisors of Middlesex Township (the "Board") by Ordinance No. 8-94 authorized the use of retaining tanks for the collection of wastewater where existing on-site sewage disposal facilities have failed and cannot be repaired or replaced and where no municipal sewage system exists; and

WHEREAS, the Board by Ordinance No. 4-2004 authorized the use of retaining tanks for the collection of wastewater generated from non-residential uses; and

WHEREAS, the Board recognizes that circumstances may exist where a retaining tank or retaining tanks may be utilized properly as a means of collecting potential overflow that would arise from an on-lot sewage system's drainage field and not for the primary purpose of receiving and holding directly the wastewater generated from a use conducted on a property; and

WHEREAS, the Board feels it is appropriate to authorize the use of retaining tanks as a means to collect overflow from an on-lot system's drainage field when authorized and approved by the Middlesex Township Sewage Enforcement Officer.

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

SECTION 1: BACKGROUND AND PURPOSE.

The Preamble set forth above constitutes the background and legislative purpose for this Ordinance.

SECTION 2: AMENDMENT TO ORDINANCE 8-94. Ordinance 8-94 as subsequently amended and supplemented, is hereby amended as follows:

- A. Section 5.B. is hereby amended to include the following additional language at the end thereof:

When a retaining tank or tanks are authorized by the S.E.O. to be utilized only for purposes of collecting overflow from an on-lot system drainage field, the S.E.O. shall determine the number and capacity of such tank or tanks, and may authorize the use of a retaining tank or tanks having a capacity of less than 2,400 gallons.

- B. Section 8 is hereby amended to include the following additional sentence therein, immediately after the first sentence thereof:

However, whenever a retaining tank or tanks are authorized by the S.E.O. to be utilized only for purpose of collecting overflow from an on-lot system drainage field, the amount deposited with the Township shall be \$1,000.

SECTION 3: EFFECT OF ORDINANCE.

This Ordinance is intended to supplement and add to Ordinance 8-94 as it was enacted and subsequently amended and supplemented, not to abridge, diminish or in any way alter the obligations, responsibilities, rights and remedies set forth therein and as subsequently amended. Except as modified and supplemented herein, the provisions of Ordinance 8-94, as originally enacted and subsequently amended and supplemented, shall remain in full force and effect.

SECTION 4: 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, Ordinance 8-94 or any ordinance supplementing, modifying or referring to Ordinance 8-94. 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 5: EFFECTIVE DATE. This Ordinance upon enactment shall be considered effective for all purposes as of September 1, 2010.

DULY ENACTED AND ORDAINED this 3rd day of November, 2010.

ATTEST:

TOWNSHIP OF MIDDLESEX


Eileen Gault, Township Secretary

By: 
Victor P. Stabile, Chairman,
Board of Township Supervisors

(Township Seal)