

ORDINANCE NO. 8

AN ORDINANCE ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF THE "PENNSYLVANIA SEWAGE FACILITIES ACT", ACT OF JANUARY 24, 1966, P. L. 1535, AS AMENDED, PROVIDING FOR THE ADMINISTRATION OF PROVISIONS OF SECTION 7 OF SAID ACT OF THE COMMONWEALTH OF PENNSYLVANIA; ADOPTING THE RULES, REGULATIONS AND STANDARDS OF THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL RESOURCES? AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of

Marion Township, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION ONE: SHORT TITLE.

This Ordinance shall be known and may be cited as the Marion Township Ordinance Implementing Pennsylvania Sewage "Facilities Act".

SECTION TWO: DEFINITIONS.

The definitions as set forth in Section Two of the Pennsylvania Sewage Facilities Act, being the Act of January 24, 1966, P. L. 1535, as amended are incorporated herein by reference.

In addition to the definition set forth in the Act, the following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(a) "Approving Body"- means Marion Township, Centre County, Pennsylvania.

(b) "Township"- means the Township of Marion, Centre County, Pennsylvania.

(c) "Act"- means the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535, hereinbefore or hereinafter amended.

(a) Notwithstanding Section 7 of the Act, no person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed within the Township, without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of this Ordinance, the Act and the standards, rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

(b) Applications for a permit shall be in writing to the Secretary of the Township and shall be made on a formal application blank which shall be furnished by the Secretary of the Township and each application shall include such data as shall be prescribed by the technical standards adopted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

(c) Issuance of permits shall be in accordance with Section 7 of the Act and all of the provisions of Section 7 of the Act are incorporated herein by reference.

SECTION FOUR: INSPECTIONS.

Inspections of applications and the site and the installation itself shall be in accordance with the provisions of Section 7 of the Act. The Township Supervisors shall from time to time designate and appoint a sewage enforcement officer who shall carry out the inspections in accordance with this Ordinance, with Section 7 of the Act and also with the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Resources, which are incorporated herein.

SECTION FIVE: ADOPTION OF THE RULES AND REGULATIONS OF THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL RESOURCES, INCLUDING TITLE 25 CHAPTER 71 and 73, AS AMENDED.

This Township hereby enacts and ordains and adopts as part of this ordinance, the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Resources, including Title 25, Chapter 71 and 73, as amended. All such rules, regulations and standards are incorporated in this Ordinance by reference. Copies of these regulations shall be available for inspection at the time of application for a permit.

SECTION SIX: FEES.

(a) Permit Fees. The applicant shall pay a fee with the application for the permit, which fee shall be made payable to the Township and shall cover the ordinary administration of this Ordinance, including initial completion of the application, issuance of the permit, and closer inspection of premises by the sewage enforcement officer for a conventional subsurface sewerage system. Such fee shall be established from time to time by Resolution of the Township.

(b) Additional Inspections and Tests.

In the event the municipality deems it necessary to make additional inspections or to make additional percolation tests or any other tests as required to be made by the applicant under the Act and the regulations of the Department of Environmental Resources, the Applicant shall pay to the Township the actual cost of such additional inspections or such percolation tests or other tests made by the Township, which shall be paid to the Township prior to the issuance of the permit.

(c) Denial of Permit. In the event the application for the subsurface sewerage system is denied and the applicant desires to install an alternate subsurface sewerage system, a separate

application and fee shall be required before a permit is issued; Such additional fees shall be established from time to time by Resolution of the Township.

SECTION SEVEN: RESTRAINING VIOLATIONS.

In accordance with Section 11 of the Act, the Township shall have the power to institute in the Court of Common Pleas of Centre County, Pennsylvania, proceedings in law or in equity to restrain any and all violations of Section 7 of the Act and the provisions of this Ordinance. Such proceedings shall be instituted in the name of the Township of Marion.

SECTION EIGHT: PENALTIES.

Any person who shall violate any of the provisions of this Ordinance or of the Act or the rules, regulations or standards promulgated hereunder, or who resist or interfere with any officer, agent or employee of the Township in the performance of his duties shall, upon conviction thereof in a summary proceeding before any District Magistrate in the county in which the offense was committed, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars, and costs, and not more than Three Hundred (\$300.00) Dollars, -and costs, to be paid to the County of Centre, or in default thereof, shall be confined in the County Jail for a period of not more than thirty (30) days.

SECTION NINE: SEVERABILITY CLAUSE.

The provisions of this Ordinance are severable and if any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remainder provisions of this Ordinance.

SECTION TEN: EFFECTIVE DATE.

This section shall become effective five (5) days after adoption.

Enacted and Ordained into an Ordinance of the Township of Marion, this 9<sup>th</sup> day of June, 1975.