

TOWNSHIP OF MARPLE

ORDINANCE NO.: _____

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW RETAINING TANKS DESIGNED TO RECEIVE AND RETAIN SEWAGE WHETHER FROM RESIDENTIAL OR COMMERCIAL USES, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY INSTALLATION; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

The Board of Commissioners of the Township of Marple does hereby enact and ordain:

SECTION I: That Chapter 235, Sewers, is hereby amended to include a new Article V as follows:

STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), delegated the responsibility to local governmental units to adopt sewage treatment regulations to promote public health, safety and the general welfare of its citizenry by preventing the discharge of untreated or inadequately treated sewage. It is necessary to enact an ordinance to effectively prevent and abate water pollution and hazards to the public health caused by improper use and maintenance of sewage Retaining Tanks. Therefore, the Board of the Township of Marple does hereby order as follows.

Chapter 235. SEWERS

Article V. Retaining Tanks

§ 235-31. Purpose

The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new retaining tanks designed to receive and retain sewage whether from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

§235-32. Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

AGENCY

Board of Commissioners of Marple Township, Delaware County, Pennsylvania

RETAINING TANK

A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. The term includes but is not limited to the following:

A. CHEMICAL TOILET

A permanent or portable nonflushing toilet using chemical treatment in the Retaining tank for odor control.

B. HOLDING TANK

A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

C. PRIVY

A tank designed to receive sewage where water under pressure is not available.

D. INCINERATING TOILET

A device capable of reducing waste materials to ashes.

E. COMPOSTING TOILET

A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

F. RECYCLING TOILET

A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

IMPROVED PROPERTY

Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OWNER

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

PERSON

An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

SEWAGE

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being 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 or any substance which constitutes pollution under the Clean Stream Law (35 PS §§ 691.1- 691.1001).

TOWNSHIP

Marple Township, Delaware County, Pennsylvania.

§235-33. Rights and Privileges granted.

The Township, through its Sewage Enforcement Office, is hereby authorized and empowered to undertake within the Township the control and methods of Retaining tank use, sewage disposal and sewage collection and transportation thereof.

§235-34. Rights and Regulations.

- A. The Township is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.
- B. Conformity with applicable law. All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§235-35. Rates and Charges.

The Township shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§235-36. Exclusiveness of Rights and Privileges; recordkeeping.

- A. The collection and transportation of all sewage from any improved property utilizing a Retaining tank shall be done solely by an individual, firm, or corporation who has experience with Retaining tank maintenance and cleaning and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Township will receive, review and retain pumping receipts from permitted Retaining tanks.
- C. The Township will retain annual inspection reports for each permitted Retaining tank

§235-38. Duties of Improved Property Owner.

The Owner of an improved property that utilizes a Retaining tank shall:

- A. Maintain the Retaining tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Be responsible for providing the Township with a valid maintenance and pumping agreement between the property Owner and an individual, firm, or corporation who has experience with Retaining tank maintenance and cleaning, a letter of agreement with the proposed disposal site verifying adequate capacity for disposal exists and the NPDES permit number for the facility.
- C. Provide an annual written inspection report to the Township within 15 days of the inspection of the Retaining tank, to be completed annually by an individual, firm, or corporation who has experience with Retaining tank maintenance. Such inspection report shall be provided to the Township each calendar year during which a Retaining Tank is in use and shall be submitted to the Township on or before December 31 of each such year. In the event that such report indicates that the particular Retaining Tank requires maintenance or repairs in order to be in working order and/or to comply with any applicable law(s) or regulation(s), Owner shall undertake and complete all necessary maintenance

and repairs to establish working order and compliance with all applicable laws and regulation and shall provide Township with proof of completion of such maintenance and repairs

- D.** Permit only licensed seepage transporters to collect, transport and dispose of the contents of any Retaining Tank.
- E.** Be responsible for maintaining the tank and providing for regular pumping. Pumping receipts for Retaining Tanks shall be held on file at the property and a copy shall be transmitted to Marple Township on an annual basis accompanying the annual inspection report. The pumping receipt shall include the name and address of the pumper/hauler; name, address, and NPDES number of the disposal facility; date pumped; and volume pumped.
- F.** Provide the Township with all pumping receipts, inspection reports and maintenance reports.
- G.** Provide the Township with current information about any change in ownership of the property or persons responsible for use and maintenance of the Retaining Tank.
- H.** Report leaks, spills, overflows, and malfunctions to the Township immediately and take immediate corrective action in accordance with the regulations of the Department of Environmental Protection.

§235-39. Violations.

- A.** It shall be a violation of this article to commit or to permit any other person to commit any of the following acts:
 - (1)** To install, repair, modify, or alter, a Retaining Tank prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
 - (2)** To misuse or fail to maintain a Retaining Tank.
 - (3)** To collect, transport and dispose of the contents of a Retaining Tank or to permit any person to collect, transport or dispose of the contents of a Retaining Tank in violation of the conditions of a permit, this article or the regulations of the Department.
 - (4)** To fail to abandon the Retaining Tank consistent with applicable Department standards if public sewer service becomes available.
 - (5)** To place false information on or omit relevant information from an application for a permit.
 - (6)** To fail to comply with any other provision of this article.
- B.** Any person who shall violate any provision of this article or who permits the violation of any provision of this article shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days.
- C.** Each violation for each separate day and each violation of any provision of this article shall constitute a separate and distinct violation.

D. Any person who violates or permits the violation of any provision of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by Marple Township, pay the fine prescribed by this article, plus all court costs, including reasonable attorney fees, incurred by Marple Township.

E. Enforcement of this article shall be the responsibility of the Township Manager, or Sewage Enforcement Officer, Building Inspector, Plumbing Inspector or Fire Marshal, as appropriate, who shall follow the enforcement procedure set forth in Chapter 1, General Provisions, Article II, Violations and penalties.

SECTION II : All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section III: 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 Commissioners of Marple Township that this ordinance would have been adopted has such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED AND ADOPTED by the Board this day of

Marple Township
Board of Commissioners

BY: _____
Joseph Rufo, President

ATTEST: _____
Sharon Angelaccio, Secretary