

Ordinance No. _____
Of
Jackson Township
County of Cambria , Commonwealth of Pennsylvania

AN ORDINANCE REQUIRING WORKING SEWAGE DISPOSAL SYSTEMS, REGULATING THE CONSTRUCTION ALTERATION OR EXTENSION OF ALL SEWAGE DISPOSAL SYSTEMS WITHIN THE LIMITS OF JACKSON TOWNSHIP CAMBRIA COUNTY AUTHORIZING THE ISSUANCE OF PERMITS , PROVIDING FOR PERMIT, INSPECTION AND COMPLAINT FEES, AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

THIS ORDINANCE, and effective 5 days from the date of adoption set forth below.

WITNESSETH:

WHEREAS, the Township of Jackson is an agency of local government, responsible for the enforcement of the Pennsylvania sewage Facilities Act, 35 P.S. § 750.1 et. Seq, ; and

WHEREAS, the Township of Jackson delegates certain responsibilities under the Sewage facilities Act to an appointed Sewage enforcement Officer,

NOW, THEREFORE, It Is Hereby Ordained and Enacted that the following rules shall apply with respect to public sewage facilities within Jackson Township as follows:

SECTION I - COMPLIANCE WITH STATE LAW

1. It is the intention of this ordinance to comply in all respects with state law with respect to sewage facilities and construction and occupation of structures and facilities. The provisions of the Pennsylvania Sewage Facilities Act, 35 P. S. § 750.7, Pennsylvania Clean Streams Law, 35 P.S. § 691.1 and regulations adopted pursuant thereto in Title 25 of the Pennsylvania Code, are expressly acknowledged and incorporated herein by reference. In the event that a conflict is determined to exist between this ordinance and such laws, such laws shall be deemed controlling and the intent of this ordinance construed to be subordinate to such laws. In the event that such laws are amended and create a conflict with any portion of this ordinance, any conflicting portion of this ordinance shall be construed as changed to comply with the amendments to regulation or statute. All regulations and rules set forth hereinafter should be construed as being in

addition to rules established by state authorities.

SECTION II - SEWAGE FACILITIES REQUIRED

2. It shall be unlawful for any person, firm association, corporation, partnership or other organization to construct or occupy, or for the appropriate township appointed official (s) to issue a building permit or an occupancy permit for a structure or facility which utilizes water under pressure for any purpose without first obtaining either;
 - A) a permit for an on lot sewage system from the township designated sewage enforcement officer, or
 - B) a written statement from a public sewage provider attesting to the availability of public sewage at or on the subject property, or
 - C) a holding tank for commercial sites or temporary facilities as specified in the applicable current rules of the Pennsylvania Department of Environmental Protection, and the requirements set forth below, or
 - D) Chemical toilets, composting toilets or portable toilets as specified in the applicable current rules of the Pennsylvania Department of Environmental Protection, and the requirements set forth below, or.

3. It shall be unlawful for any person, firm association, corporation, partnership or other organization to construct, maintain or occupy, or for the appropriate township appointed official (s) to issue a building permit or an occupancy permit for a structure or facility utilized for human habitation for any period greater than two consecutive 24 hour days, without having provisions for sewage as required in paragraph 1 above, or a temporary sanitary facilities as set forth in SECTION III. below.

4. No holding tank, chemical toilet, composting toilet or portable toilet, or other such sanitary facility, otherwise permitted in a given situation by applicable state law or regulation shall be utilized in the township without compliance with the following, and issuance of permit, (subsequent to receiving all required PADEP approvals), by the township designated sewage enforcement officer. Upon satisfaction of all conditions spelled out herein, and compliance with all current state and /or federal regulations applicable, sanitation facilities in the form of holding tanks may be provided for structures or facilities as follows;
 - a) On a permanent basis, for commercial facilities having flows of less than 800 gallons per day, or
 - b) For camping sites utilized by 50 or less persons for no more than two consecutive 24 hour days in a one month period.
 - c) On a case by case basis for outdoor concerts or events lasting no more than 24 hours with attendance of not more than 500 people.

- d) For a period of no more than two years, for new single family homes, being constructed within an area subject to a sewage collection system construction project by a public sewer provider, where a contract for construction has been issued and all financing has been secured.

Any application for use of holding tanks under this ordinance shall be on forms supplied by the township, and be accompanied by a fee as set by the township supervisors from time to time. A bond in the amount of \$1,000.00 and paid up contract for disposal in a form acceptable to the township shall accompany the application. Such contract shall provide for the tank to be pumped at the request of the township when the owner fails to, and have a security deposit paid to the pumper sufficient to pay the cost of the same. Camping, outdoor concerts or events larger than those specified in b) and c) above may only be undertaken with permanent sewage facilities sized to accommodate the peak usage anticipated.

- 5. There shall be no exemption from the requirements set forth above on account of the amount of land upon which a structure or facility is located. It is the intention of the Township not to implement and specifically deny the optional exemption from planning and sewage facilities requirements commonly known as the “ten acre rule” as described in and authorized by 35 P. S. § 750.7.

SECTION III - ON LOT SYSTEMS

- 6. It shall be unlawful for any person, firm association, corporation, partnership or other organization to construct, alter or extend any sewage disposal system of any kind within the limits of Jackson Township unless a permit to do so has first been obtained from a township designated sewage enforcement officer.
- 7. Applications shall be made upon forms approved by the township and shall be accompanied by a fee in an amount approved by the township, from time to time. Fees shall also be assessed according to the approved fee schedule for other activities requiring the attention of the designated Sewage Enforcement Officer.
- 8. Upon compliance with all applicable laws and regulations, the designated Sewage Enforcement Officer shall issue a sewage facilities permit not requiring approval of PADEP and transmit to the township documentation requiring PADEP approval.

SECTION IV - TEMPORARY FACILITIES

- 9. It shall be unlawful for any person, firm association, corporation, partnership or other

organization to use or occupy, structure or facility for human habitation, whether on a temporary or permanent basis and whether or not running water is provided under pressure, without having made arrangements specified under this ordinance for disposal of sewage, into a public collection system, thorough approved on lot sewage system, or where permitted, under section 4 above, through holding tank facilities. It shall be presumed that a structure or facility is being utilized or occupied for human habitation, if and when any type of structure, portable, vehicular or fixed, which has within it, sleeping or cooking facilities., is parked upon property, except where a recreational vehicle is parked at the owners place of residence, which has its own sewage facilities.

SECTION V - INSPECTIONS

10. Right of Entry by Municipal Officials
 - A. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of the sewage facilities in regard to any aspect governed by this Ordinance.
 - B. BMP owners and occupiers of land shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
 - C. Persons working on behalf of the Municipality shall have the right to temporarily locate on any property in proximity to sewage facilities such devices as are necessary to conduct monitoring and/or sampling of the discharges from the permitted sewage facilities.
 - D. Unreasonable delays in allowing the Municipality access to a sewage facilities or is a violation of this Article.

SECTION VI - ORDERS & PENALTIES

11. Any person creating or causing a violation of the provisions of this ordinance shall be guilty of a violation of this ordinance, and upon conviction before a district magistrate utilizing the procedures set forth in 53 P.S. §66601 (c.1) (2)
12. This Ordinance is deemed to be an ordinance related to public health and safety, enacted under authority of the statutes referred to in the preamble hereto and the townships general authority to protect public health and safety by preventing pollution from improperly handled sewage. As such a penalty of \$1,000.00 shall be assessed for any violation

hereof. Each day a violation continues, shall be considered a separate and distinct violation and subject to a separate assessment, until proof of compliance is provided.

13. Notwithstanding any provision of this ordinance respecting enforcement, the township reserves the right to enforce this ordinance through an action for injunction in the Court of Common Pleas of Cambria County pursuant to 53 P.S. (c.1) (4).

SECTION VII - LAND OWNER RESPONSIBLE.

14. Any violation of this ordinance shall be considered and deemed the creation maintenance and continuance of a public nuisance, whether or not the landowner created the nuisance. Landowner, or in the case of multiple or joint owners, each owners on a joint and several basis shall be responsible for the abatement upon notice thereof. Failure to abate such nuisances, within two weeks, upon notice shall subject the landowner to civil penalties assessed by the township through its manager, or other official designated by resolution, in the amount of \$600.00 per day for each day the violation continues.
15. If after notice to abate a nuisance, is provided to the owner, the nuisance is moved on the property or hidden, or ignored, the township may elect to enforce the ordinance against the property owner as provided for in paragraphs 10 and 11 above.
16. Anyone aggrieved by an order of the township manager, or other Official designated by resolution may appeal there by filing an appeal with the township designated hearing board, in the absence of such designation, to be the Jackson Township Zoning hearing Board. Said Appeal to be heard and decided under the rules of law applicable to administrative procedure and the local public agency law. Failure to appeal said determination within 30 days of issuance shall preclude any other contesting of the facts and determination set forth in the cease and desist order. (Unless serious health or pollution hazard).
17. Penalties assessed under this Section VI, shall be collectable by action before the District Magistrate, as provided for in 53 P.S. § (c.1) (2) .

SECTION VIII - MISCELLANEOUS

18. Any person having a complaint concerning a property violating this ordinance may make a complaint, which shall be in writing and accompanied by a fee to cover the cost of inspection as may be set by the supervisors from time to time. If the complaint is found to be correct, the inspection fee shall be refunded.

19. If any section, subsection clause, or portion of this ordinance is declared invalid, preempted or superceded for any reason, whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and to this end, the provisions of this ordinance are hereby declared to be severable.
20. Any ordinance inconsistent herewith, or part t hereof, including Ordinance No. 18, dated April 15, 1968, is hereby repealed.

IN WITNESS OF THE PROPER ADOPTION OF THIS ORDINANCE, the duly appointed officers of the governing body have set their hands and seals.

ADOPTED by the Township of Jackson as Ordinance No. _____ on the _____ day of _____, 2004.

TOWNSHIP OF JACKSON

ATTEST:

Secretary

By: _____
Chairman of the Board

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