

ORDINANCE *III*

AN ORDINANCE ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF THE "PENNSYLVANIA SEWAGE FACILITIES ACT", ACT OF JANUARY 24, 1966, P. L. (1965) 1535, PROVIDING FOR THE ADMINISTRATION OF THE PROVISIONS OF SAID ACT OF THE COMMONWEALTH OF PENNSYLVANIA; ADOPTING THE RULES, REGULATIONS AND STANDARDS OF THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HEALTH, BEING CHAPTER FOUR, ARTICLE NO. 423, ENTITLED "REGULATIONS FOR THE ADMINISTRATION OF THE PENNSYLVANIA SEWAGE FACILITIES ACT"; PROVIDING FOR THE ESTABLISHMENT OF FEES AND CHARGES; PROVIDING MEANS FOR RESTRAINING VIOLATIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it enacted and ordained by the Supervisors of Cascade Township, Lycoming County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the "Cascade Township Ordinance Implementing Pennsylvania Sewage Facilities Act".

Section 2. DEFINITIONS. The definitions as set forth in Section 2 of the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. (1965) 1535, are incorporated herein by reference.

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

- (a) "Approving body" means Cascade Township, Lycoming County, Pennsylvania.
- (b) "Township" means the Township of Cascade, Lycoming County, Pennsylvania.

- (c) "Act" means the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. (1965) 1535, as amended.

Section 3. PERMITS.

- (a) In accordance with 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 systems 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 Health, being known as the "Regulations for the Administration of the Pennsylvania Sewage Facilities Act". No permit shall be required in those cases where a permit from the Sanitary Water Board or the Secretary of the Department of Health has been obtained, or where the Department determines that such permit is not necessary for the protection of the public health.
- (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 Health.
- (c) Permits shall be issued or denied within seven days after receiving an application for permit except that, in case the Township finds the data submitted by an applicant incomplete,

the time for acting thereon shall be extended seven days beyond the date of submission of adequate supplementary or amendatory data. Denial of permits shall be supported by statement in writing of the reasons for such action.

- (d) No system or structure designed to provide individual or community sewage disposal to any realty improvement shall be covered from view until approval to cover the same has been given by the Township or its authorized representative. If forty-eight (48) hours have elapsed, excepting Sundays and holidays, since the Township received notification of completion of construction, the applicant may cover said system or structure, unless permission has been refused by the Township or its authorized representative.
- (e) In case any permit is denied or revoked, a hearing shall be held thereon before the Township Supervisors within fifteen (15) days after request therefor is made by the applicant. Within seven (7) days following the date of such hearing, the applicant shall be notified in writing of the determination of said hearing.
- (f) If the Township determines that any change has occurred in the physical conditions of any lands of a realty improvement which will materially affect the operation of the community or individual sewage disposal system covered by any permit issued under this ordinance, the permit shall be revoked and a new permit shall be obtained before construction shall proceed.

(g) The Township shall have the power to make, or cause to be made, such inspections and tests as may be necessary to carry out the provisions of this ordinance, and its authorized representative shall have the right to enter upon lands for said purpose.

Section 4. INSPECTIONS. Inspections of applications and the site and the installation itself shall be made by an Inspector appointed by the Township Supervisors. The Township Supervisors shall from time to time designate and appoint an Inspector who shall carry out the inspections in accordance with this ordinance, the Act and also the rules, regulations and standards of the Commonwealth of Pennsylvania, Department of Health, which are incorporated herein.

Section 5. ADOPTION OF THE RULES AND REGULATIONS OF THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HEALTH. The Township hereby enacts and ordains, and adopts as part of this ordinance, the standards, rules and regulations of the Commonwealth of Pennsylvania, Department of Health, Chapter Four, Article 423, known as "Regulations for the Administration of the Pennsylvania Sewage Facilities Act". All such rules, regulations and standards are incorporated in this ordinance by reference. Copies of these regulations shall be supplied with the application for a permit.

Section 6. FEES AND CHARGES. The Township Supervisors may from time to time establish such permit fees and inspection charges which shall be payable to the Township.

Section 7. RESTRAINING VIOLATIONS. In accordance with the Act, the Township shall have the power to institute in the Court of Common Pleas

of Lycoming County, Pennsylvania, proceedings in law or in equity to restrain any and all violations of the Act and the provisions of this ordinance. Such proceeding shall be instituted in the name of the Township of Cascade.

Section 8. PENALTY. Any person who shall violate any of the provisions of this ordinance or of the Act or of the rules, regulations or standards promulgated hereunder, or who resists or interferes 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 Justice of the Peace in the County in which the offense was committed, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), and costs, and not more than Three Hundred Dollars (\$300.00), and costs, to be paid to the Township of Cascade, or in default thereof, shall be confined in the County Jail for a period of not more than thirty (30) days.

Section 9. 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 circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remainder of the provisions of this ordinance.

Section 10. EFFECTIVE DATE. This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED into an ordinance of the Township of Cascade, Lycoming County, Pennsylvania, this 7 day of June, 1968.

C. LaMar Betts

Engene J. Steele

Ralph Whitely
Supervisors