

ORDINANCE NO. 9 OF 2010

AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING,
CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NO. 7 OF 2009 AND ORDINANCE NO. 15 OF 2009,
GOVERNING MUNICIPAL MANAGEMENT
OF ONLOT SEWAGE SYSTEMS IN SILVER SPRING TOWNSHIP,
CUMBERLAND COUNTY, PENNSYLVANIA

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, as follows:

Section 1. Section VIII. B, Maintenance, is hereby amended as follows:

- B. The required pumping frequency may be increased at the discretion of the owner or authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown.

The Township may allow the owner's septic tanks to be pumped at alternating intervals after the initial pumping if the owner can demonstrate to the Township that the system can operate properly without the need for pump out for a period longer than five (5) years, or the Township may allow more frequent pumping to satisfy the initial pumping requirement within the five (5) year period. Such a request may be made at any time and must be in writing with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the Township Sewage Enforcement Officer upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system including documentation that the sludge depth and/or scum layer is less than one third (1/3) of the tank capacity as demonstrated and confirmed by a certified hauler, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within thirty (30) days of accumulation of all necessary information by the Township.

Section 2. Section XIV, Waiver Request, is hereby amended to read as follows:

SECTION XIV: WAIVER REQUEST

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety, and welfare.

The Board of Supervisors may waive any mandatory provision of these regulations to the benefit of the applicant provided that a majority of the entire Board of Supervisors determines, at a public meeting, that the waiver:

1. Is consistent with the purpose of the Ordinance as described in Section I.C.,
2. Will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results, and,
3. Provides for reasonable utilization of the property while securing the public interest.

It shall be the burden of the applicant to demonstrate compliance with the above conditions.

- A. Waiver Application. The Board of Supervisors may designate the Township Manager, or another Township representative, to consider waiver requests desired by the applicant, which shall be submitted to the designated Township representative at the Township Municipal Building on any business day. A waiver request shall include two (2) copies of all applicable documents as set forth in Section VI, Inspections, and one letter of request.
- B. Review of and Ruling on the Waiver. The waiver shall be reviewed by the Township staff, and a decision on the request will be communicated to the applicant within thirty (30) days.

Section 2. Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provisions had not been included therein.

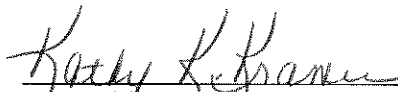
Section 3. Effective Date. The Ordinance shall become effective 5 days from the date of enactment.

Section 4. Repeal of Inconsistent Provisions. Any ordinances or parts of ordinances inconsistent herewith are hereby repealed. In all other respects, the Ordinance 7 of 2009 and Ordinance No. 15 of 2009 shall remain as heretofore enacted, ordained, and amended.

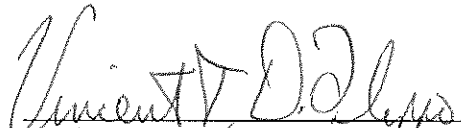
DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 9 of 2010 this 28th day of July 2010 by the Board of Supervisors of the Township of Silver Spring.

ATTEST:

BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING



Township Secretary



Chairman