

ORDINANCE NO. 96-38

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, REGULATING THE INSTALLATION, OPERATION AND MAINTENANCE OF INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS (IRSIS) REQUIRING APPLICATION FOR AN APPROVAL BY THE TOWNSHIP OR ITS AUTHORIZED AGENTS, REQUIRING THE POSTING OF SECURITY IN CONNECTION WITH THE SAME, PROVIDING FOR THE ENFORCEMENT THEREOF AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Marion Township, Centre County, Pennsylvania hereby ORDAINS AND ENACTS as follows:

SECTION I

PURPOSE

- 1.01 The purpose of this Ordinance is to establish procedures for the approval, installation, operations, maintenance and inspection of INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS within the Township. 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 the Township.

SECTION II

DEFINITIONS

- 2.01 Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:
- (a) "DEP" shall mean the Pennsylvania Department of Environmental Protection.
  - (b) "Permit" shall mean a permit for a IRSIS issued in accordance with provision of this Ordinance.
  - (c) "IRSIS" shall mean an Individual Residential Spray Irrigation System as further defined and described in the Pennsylvania Sewage Facilities Act, amended by Act 149 of 1994.
  - (d) "Person" shall mean any individual, partnership, corporation, association or other group or entity.

### SECTION III

#### PERMITS

- 3.01 No person shall install, operate or maintain an IRSIS without having first applied for an obtained a Permit from the Township indicating that the site, plans and specification of such system are in compliance with the Pennsylvania Sewage Facilities Act of 1966 (P.L. 1535), Act No. 537, as amended, this Ordinance and the rules and regulations adopted pursuant to the Act and this Ordinance.

### SECTION IV

#### APPLICATION AND FEES

- 4.1 Application for a Permit shall be on made forms prescribed by the Township Board of Supervisors by resolution.
- 4.2 An application fee, in an amount to be determined by the Township Board of Supervisors by resolution, shall be paid to the Township at the time application for the Permit is made.
- 4.3 The Township board of Supervisors, may, by resolution, set such additional fees as shall be necessary to cover the costs incurred by the Township in processing or granting a Permit or undertaking any inspection in connection with the same.

### SECTION V

#### INSPECTION AND ENFORCEMENT

- 5.01 The Township Sewage Enforcement Officer, or other person or entity designated by resolution of the Township Board of Supervisors, is hereby authorized to enforce this Ordinance and undertake any inspection of any IRSIS in order to ascertain if the installation or proposed installation is in conformity with the Pennsylvania Sewage Facilities Act, this Ordinance, and the rules and regulations adopted pursuant to the Act or this Ordinance.

### SECTION VI

#### INSTALLATION AND MAINTENANCE AGREEMENT

- 6.01 As a condition to the issuance of a Permit pursuant to this Ordinance, the owner of the property on which the IRSIS is to be located shall execute an Installation and Maintenance Agreement, in a form acceptable to DEP and the Township Board of Supervisors or its designee.

- 6.2 In connection with the execution of an Installation and Maintenance Agreement, the property owner shall post security in an amount acceptable to the Township Board of Supervisors.
- 6.3 Any violation or breach of an Installation and Maintenance Agreement shall be considered a violation of this Ordinance.
- 6.4 As a further condition to the issuance of a Permit, Owner agrees to indemnify and hold Township harmless from any claims, suits, reasonable attorneys fees litigation expenses, administrative costs or judgments which may be obtained or prosecuted against Township, or its officials and employees, arising out of the issuance of the Permit, utilization or operation of the system authorized by the Permit or malfunction of the system installed under the provisions of the Permit.

## SECTION VII

### RULES AND REGULATIONS

- 7.1 The Township Board of Supervisors or its authorized agent is empowered to adopt such rules and regulations as it may deem necessary to effect the purpose of this Ordinance.
- 7.2 All such rules and regulations so adopted shall be in conformity with the provisions herein, all other ordinances of the Township, all applicable laws, and all applicable rules and regulations of DEP and any other agencies having jurisdiction over the subject matter of this Ordinance.

## SECTION VET

### VIOLATIONS

- 8.01 In addition to any other penalties provided by law, any person violating any of the terms or provisions of this Ordinance, any rules or regulations promulgated thereunder or an Installation and Maintenance Agreement shall, upon conviction before a district justice or other proper official, be liable for a penalty of not less than One Hundred (\$100) Dollars and not more than One Thousand (\$1,000) Dollars. Each violation and each day that a violation continues shall be considered a separate offense.

## SECTION IX

### ABATEMENT OF NUISANCES

- 9.01 In addition to any other remedies provided in this Ordinance, any violation of Section 8.01 of this Ordinance shall constitute a nuisance and shall be abated by the Township or its designee by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a Court of competent jurisdiction.

## SECTION X

### REPEAL

- 10.01 All ordinances of resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

## SECTION XI

### SEVERABILITY

- 11.0 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 other parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

## SECTION XII

### EFFECTIVE DATE

- 12.01 This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED into an Ordinance this 19th day of November, 1996  
by the Board of Supervisors of the Township of Marion, Centre County, in lawful  
session duly assembled.

Marion TOWNSHIP  
BOARD OF SUPERVISORS