

**FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-02

**AN ORDINANCE AMENDING THE FAWN GROVE BOROUGH HOLDING TANK
ORDINANCE**

WEREAS, Fawn Grove Borough adopted a Holding Tank Ordinance on February 2, 1987; and .

WHEREAS, the Borough finds it necessary to amend the Holding Tank Ordinance.

NOW THEREFORE BE IT ENACTED AND ORDAINED as follows:

SECTION 1. The Fawn Grove Holding Tank Ordinance is hereby amended to include criteria from 25 Pa. Code 71.63(c)(3). Specifically, the Ordinance shall be amended as follows:

The following paragraphs shall be added after the last paragraph of Section 4:

Any individual, firm or corporation which removes contents from holding tanks shall forward to the Borough Sewage Enforcement Officer (SEO) a copy of the York County Solid Waste and Refuse Authority Septage Manifest (hereafter "Manifest") within thirty (30) days following each time such individual, firm or corporation removes contents from a holding tank. Such individual, firm or corporation shall at the time of forwarding the Manifest to the Borough SEO inform the Borough SEO whether any malfunctions were observed during the removal process.

Any individual, firm or corporation found to be in violation of this Section shall upon conviction be fined in the amount of one thousand dollars (\$1,000.00) plus costs and attorneys' fees for each and every violation or in default thereof undergo imprisonment in the York County Prison for a period not more than thirty (30) days. Each day that any individual, firm or corporation removing contents of a holding tank fails to provide the information required by this Section 4 to the Borough SEO shall constitute a separate offense.

The first sentence of Section 10 shall be deleted and replaced with the following:

Following the issuance of a permit pursuant to this ordinance, the Sewage Enforcement Officer shall annually inspect the holding tank and shall complete and retain a inspection report for each holding tank. Prior to any inspection, the Sewage Enforcement Officer shall provide the applicant with written notice of the intent to inspect the holding tank. A notice shall be conclusively presumed to have been received if it is deposited in the U.S. mail and addressed

to the applicant at the address provided by the applicant at the time of application, or any more recent address as provided to the Borough by the applicant.

Upon written notice to inspect, the applicant shall within ten (10) days make arrangements with the Sewage Enforcement Officer for the inspection of the holding tank located on the applicant's property. At the time of the scheduled inspection, the applicant shall make the holding tank accessible for inspection by the Borough Sewage Enforcement Officer. It shall be a violation of this provision if any applicant given notice fails to contact the Sewage Enforcement Officer and arrange for inspection of the holding tank within ten (10) days from the date of such notice. It shall be a further violation if such permit holder fails to make the holding tank available for inspection at the date of the scheduled inspection.

The following paragraphs shall be added after the last paragraph of Section 10:

A "malfunction" shall be construed to mean a condition occurring where a holding tank causes or threatens pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or is a hazard to public health. Any holding tank observed to be leaking or any instance where sewage is backing up into a building connected to the system is a per se malfunction. Systems shall be considered to be malfunctioning if any conditions noted above occur for any length of time during any period of the year.

For purposes of this ordinance, a malfunction not remedied within ten (10) days from the date of notice from the Sewage Enforcement Officer shall constitute a violation under Section II hereunder. In the event that the Sewage Enforcement Officer determines at any time that this is a malfunction as defined herein then the proceedings under Ordinance No. ___, the Ordinance Establishing Rules and Regulations for the Maintenance of On-site Sewage Disposal Systems, shall be followed.

SECTION 2. The passage of this Ordinance amending in part Fawn Grove Borough's Holding Tank Ordinance shall in no way be deemed to invalidate or repeal any provisions of said Ordinance except as specifically provided herein.


SECTION 3. The provisions of this Ordinance shall be severable, and if any of the provisions or sections shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included herein.

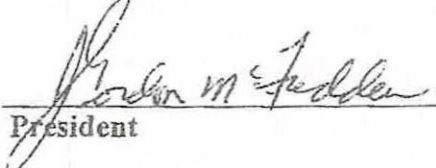
SECTION 4. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ADOPTED AND ORDAINED this 7th day of June 2016.

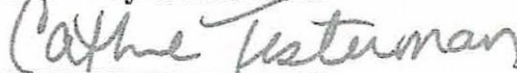
ATTEST:

**FAWN GROVE
BOROUGH COUNCIL**


Secretary


President

Approved this 7th day of June 2016.

By: 

Mayor