

ORDINANCE NO. 3-2011

BOROUGH OF PORT CARBON

AN ORDINANCE AMENDING CHAPTER 195 ENTITLED "SEWERS" OF THE PORT CARBON BOROUGH CODE.

WHEREAS, Chapter 195 of the Port Carbon Code of Ordinances require that all residential homes connect onto the Greater Pottsville Area Sewer Authority ("Authority") system for treatment of all sanitary sewage emitted from improved property; and

WHEREAS, the Authority has placed a moratorium upon new residential sewage hook-ups within Port Carbon Borough; and

WHEREAS, Port Carbon Borough has deemed that required sewage hook-up onto the Authority system whereby the closest sewage main of one hundred fifty (150) feet or more constitutes a financial hardship onto its citizens; and

WHEREAS, Port Carbon Borough possesses few residential homes within the municipal limits whereby a residence would be located one hundred fifty (150) feet or more from the sewage main of the Authority; and

WHEREAS, Port Carbon Borough deems that the permission and allowance of limited on-site sewage disposal systems do not constitute a health or safety hazard onto the general welfare and safety of its citizens; and

WHEREAS, the Pennsylvania Department of Environmental Protection ("PaDEP") prescribes the minimum standards for on-site sewage systems via state code and regulation.

NOW THEREFORE BE IT ORDAINED AND ENACTED, as follows:

1. The recitals above are hereby incorporated by reference as though set forth at length.
2. Chapter 195 is hereby amended to include ARTICLE VII entitled "Exceptions" to read as follows:

ARTICLE VII

Exceptions

§ 195-20. Exceptions to Mandatory Hook-up on Authority System

- A. No owner or person located one hundred fifty (150) feet or more from the Authority sewage main shall be required to hook-up onto the sewer system of Authority, and shall be permitted to construct an on-site sewage system.
- B. Any on-site sewage system constructed hereafter shall be constructed in conformity with the rules and regulations enacted by PaDEP governing on-site sewage treatment systems for residential homes.

- C. The Borough of Port Carbon Sewage Enforcement Officer shall be empowered to oversee, regulate and require adherence onto the applicable PaDEP standards for construction of on-site sewage disposal system.
- D. Port Carbon Borough Council may enact by resolution fees for services indicated regarding the powers and oversight of the Borough Sewage Enforcement Officer.
- E. The Borough of Port Carbon Sewage Enforcement Officer shall not permit any construction or work upon on-site domestic sewage disposal until the required fees are paid in full onto the Borough of Port Carbon.
- F. The Borough of Port Carbon Sewage Enforcement Officer shall possess the necessary powers of enforcement regarding adherence onto applicable PaDEP standards and payment of fees through the powers of ordering discontinuance of construction of on-site sewage system, filing summary citation seeking fines, filing civil suit in law or equity, or any other legal remedy available through the Commonwealth Borough Code.

- 3. The remaining portions of Chapter 195 not amended or affected by this ordinance shall remain in full force and effect.
- 4. Any ordinances or resolutions not in conflict herewith shall remain in full force and effect.
- 5. Any ordinances or resolutions in conflict herewith shall be repealed.
- 6. That this Ordinance shall become effective immediately upon enactment and as otherwise provided by law.

ADOPTED this 10 day of May, 2011.

PORT CARBON BOROUGH

ATTEST:

Sandra L Palokas
 SANDRA PALOKAS
 Interim Borough Secretary
 (Seal)

BY: [Signature]
 HAROLD HERNDON, Council President

APPROVED on the date above written.
[Signature]
 THOMAS PAVLICK, Mayor