

ORDINANCE NO. 174

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, PART II "GENERAL LEGISLATION", CHAPTER 110 "GREASE TRAPS" BY REMOVING ALL REFERENCES TO THE MIDDLE SMITHFIELD TOWNSHIP "MUNICIPAL AUTHORITY" AND/OR "AUTHORITY" AND SUBSTITUTING THE NAME "SEWER DEPARTMENT", BY ADDING A DEFINITION FOR GREASE TRAP MANAGEMENT PROGRAM, MIDDLE SMITHFIELD TOWNSHIP SEWER DEPARTMENT AND SEWER DEPARTMENT, AND BY AMENDING CHAPTER 110 § 110-10, §110-11 AND §110-12 AND PROVIDING FOR SEVERABILITY AND THE REPEAL OF PRIOR INCONSISTENT ORDINANCES.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance proposed to be adopted for the above purposes by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, on the 13th day of May, 2010.

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WHEREAS, the Board of Supervisors of the Township of Middle Smithfield have heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield"; and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be apart thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General powers", authorizes the board of township supervisors to make and adopt ordinances necessary for the proper management, care and control of the township, and the maintenance of the health and welfare of the township and its citizens; and

WHEREAS, Section 1522 of the said Second Class Township Code, found at 53 P.S. 66522, entitled "Sewage treatment facilities regulations", authorizes the board of supervisors to make regulations respecting community sewage treatment facilities under the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", found at 35 P.S. 750.1 et seq.; and

WHEREAS, Section 1527 of the said Second Class Township Code, found at 53 P.S. 66527, entitled "Public safety", authorizes the board of township supervisors to adopt ordinances to secure the safety of persons or property within the township; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: All references within Chapter 110 to the Middle Smithfield Township "Municipal Authority" and/or "Authority" are hereby repealed and shall hereafter be referred to and replaced by Middle Smithfield Township "Sewer Department".

SECTION 2: Chapter 110, Section 110-2 entitled “Definitions” is hereby amended as follows:

A. **“AUTHORITY”**. This definition is hereby repealed and removed in its entirety.

B. **“GREASE TRAP MANAGEMENT PROGRAM”**. These are the rules and regulations promulgated by Middle Smithfield Township and the Middle Smithfield Township Sewer Department which rules and regulations establish best management practices “BMP’s” for food service operators to insure that they properly maintain their grease traps.

C. **“MIDDLE SMITHFIELD TOWNSHIP SEWER DEPARTMENT”**. The Middle Smithfield Township Sewer Department, acting by and through the Board of Supervisors of Middle Smithfield Township or, in appropriate cases, acting by and through its authorized representative(s).

D. **“SEWER DEPARTMENT”**. *See definition for “Middle Smithfield Township Sewer Department”*.

SECTION 3: Chapter 110, Section 110-10(1), of the Code of the Township of Middle Smithfield, is hereby added to provide as follows, to wit:

(1). Refusal to schedule any inspection will be considered a refusal to comply with the rules and regulations of the Middle Smithfield Township Grease Trap Ordinance and the Middle Smithfield Township Sewer Department Grease Trap Management Program which will be treated as a violation and subject to the penalties as set forth herein Section 110-14 “Violations and Penalties”.

SECTION 4: Chapter 110, Section 110-11 is hereby amended to provide as follows, to wit:

The owner of an improved property, which utilizes a grease trap and/or separator shall at all times keep the system in good working condition. The traps or separators shall be cleaned periodically to keep them in good working order. All traps or separators shall be cleaned at least once every three months. The records shall include the date of disposal, the means of disposal, the name and signature of the person responsible for supervising the cleaning of the separators and grease traps and the proper disposal of the accumulated material. Forms are furnished by the Middle Smithfield Township Sewer Department which must be completed by the owner of each business establishment and said owner shall transmit a copy of the cleaning records to the Sewer Department. Records of each cleaning shall be maintained by the establishment for a period of three (3) years.

SECTION 5: Chapter 110, Section 110-12 is hereby amended to provide as follows, to wit:

All material, which is removed from the separators and/or grease traps shall be properly disposed of by the owner. Under no circumstances shall accumulated material be allowed to enter into the sanitary sewer system. Any removal and hauling of the collected materials not performed by owner's (owners') personnel must be performed by currently licensed waste disposal firms. All grease haulers shall be properly licensed by the Commonwealth of Pennsylvania, as required, and supply the Middle Smithfield Township Sewer Department with a copy of the hauler's manifest.

SECTION 6: 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Sewer Department that such remainder shall be and shall remain in full force and effect.

SECTION 7: All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed or rescinded.

SECTION 8: This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, this 13th day of May, 2010.

ATTEST

TOWNSHIP OF MIDDLE SMITHFIELD

MICHELE L. CLEWELL, Secretary

SCOTT R. SCHALLER, CHAIRPERSON/SUPERVISOR

(TOWNSHIP SEAL)

MITCHELL K. MARCUS, VICE CHAIRPERSON/SUPERVISOR

ROBERT F. SPANO, SR., SUPERVISOR