

**ORDINANCE NO. 2011-03**

**AN ORDINANCE OF HERFORD TOWNSHIP,  
BERKS COUNTY, PA, AMENDING THE  
HEREFORD TOWNSHIP SEWAGE FACILITIES  
ORDINANCE OF 1993, ORDINANCE 1993-7**

WHEREAS, Hereford Township, Berks County, PA (“the Township”) adopted Ordinance No. 1993-7 and known as the Hereford Township Sewage Facilities Ordinance of 1993; and

WHEREAS, the Township deems it necessary to amend the terms of the Ordinance as set forth below.

NOW, THEREFORE, the Board of Supervisors of Hereford Township, Berks County, PA in lawful session duly convened hereby ENACTS and ORDAINS as follows:

Section 1. Amendments to Section 1.

Section 1 – Short Title, of the Hereford Township Sewage Facilities Ordinance of 1993 (“the Ordinance”) is hereby amended by deleting the words “of 1993” from the title.

Section 2. Amendments to Section 2 - Definitions.

A. Section 2 – Definitions of the Ordinance is hereby amended by adding the definition of “Holding Tank” as follows:

“Holding Tank - a watertight system or receptacle which receives sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding Tank include but are not limited to the following:

- i. Chemical Toilet – a non-flushing toilet using chemicals for treatment in the retaining tank for odor control;
- ii. Retaining Tank – a retaining tank to which sewage is conveyed by a water carrying system; and
- iii. Privy – a Holding Tank designed to receive sewage where water under pressure is not available.”

B. Section 2 - Definitions of the Ordinance is further amended by deleting the definition of “Retaining Tank” and replacing it with the following definition:

“Retaining Tank – a Holding Tank.”

C. Section 2 – Definitions of the Ordinance is hereby further amended by adding the following definition:

“Department or DEP - Pennsylvania Department of Environment Protection, or any other Commonwealth agency authorized and empowered to enforce the Pennsylvania Sewage Facilities Act and Regulations promulgated thereunder.”

D. Section 2 – Definitions of the Ordinance is hereby further amended by adding the following definition:

“Certified Sewage Hauler – a person or entity licensed and authorized by all governmental authorities having jurisdiction to pump, receive, transport, and dispose of sewage.”

E. Section 2 – Definitions of the Ordinance is hereby further amended by deleting the definition of “Holding Tank Cleaner” in its entirety.

#### Section 3 – Amendments to Section 3B.

Section 3B of the Hereford Township Sewage Facilities Ordinance of 1993 (“the Ordinance”) is amended by removing the period and adding the following language to the existing language as follows: “unless such holding/retaining tank has been installed and is being maintained in accordance with the Hereford Township Holding Tank Ordinance.”

#### Section 4. Amendments to Section 11.

Section 11 – Powers and Duties of the Sewage Enforcement Officer is hereby amended as follows:

Subparagraph A(6) is hereby amended by renumbering the last subparagraph in sequence as number (iv).

#### Section 5. Amendments to Section 20.

Section 20 of the Ordinance is hereby amended by adding the following language to the existing text: “Notwithstanding anything in this Ordinance to the contrary, in any application involving Holding or Retaining Tanks, the Hereford Township Holding Tank Ordinance shall supplant and control any situation where the terms of this Ordinance are inconsistent with the provisions of the Hereford Township Holding Tank Ordinance.

Section 6. Repeal. All ordinances or resolutions or parts of ordinances or resolutions which are inconsistent herewith are hereby repealed. The provisions of the Hereford Township Holding Tank Ordinance shall be construed and administered together with this Ordinance, but in the event of any conflict or inconsistency, the more specific language of the Ordinance shall control. In the event of any unreasonable provision, the terms of the Hereford Township Holding Tank Ordinance shall control.

Section 7. Severability. 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 parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Hereford Township that this Ordinance would have been adopted without containing such unconstitutional, illegal or invalid sentence, clause, section or part thereof.

Section 8. Effective Date. This Ordinance shall become effective five (5) days after its adoption, as provided by law.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

BOARD OF SUPERVISORS OF  
HEREFORD TOWNSHIP

\_\_\_\_\_  
John G. Membrino, Chairman

\_\_\_\_\_  
Karla T. Dexter, Vice Chairman

\_\_\_\_\_  
Jeffrey A. Sell, Supervisor

ATTEST:

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Norann Warmkessel, Secretary