

ORDINANCE 15 of 2009

AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING,
CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE 7 OF 2009, GOVERNING MUNICIPAL MANAGEMENT
OF ONLOT SEWAGE SYSTEMS IN SILVER SPRING TOWNSHIP,
CUMBERLAND COUNTY, PENNSYLVANIA

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by
the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania,
as follows:

Section 1. The following new section is added to Ordinance 7 of 2009 and numbered as Section
XIV:

SECTION XIV: WAIVER REQUEST

The provisions of this Ordinance are intended as minimum standards for
the protection of the public health, safety, and welfare.

The Board of Supervisors may waive any mandatory provision of these
regulations to the benefit of the applicant provided that a majority of the
entire Board of Supervisors determines, at a public meeting, that the
waiver:

1. Is consistent with the purpose of the Ordinance as described in
Section I.C.,
2. Will remove or reduce an unreasonable standard, or undue
hardship, as it applies to the particular property, which is grossly
disproportionate to any benefit derived from the standard, or when
an alternative standard provides equal or better results, and,
3. Provides for reasonable utilization of the property while securing
the public interest.

It shall be the burden of the applicant to demonstrate compliance with the
above conditions.

- A. Waiver Application. Notwithstanding the ability of the Board of
Supervisors to independently consider a waiver, all requests for waivers,
which are desired by the applicant, shall be submitted to the designated
Township representative, at the Township Building, on any business day.
A waiver request shall include seven (7) copies of all applicable plans,
reports, and supplementary data, and one (1) letter of request.

- B. Distribution. One (1) copy of the waiver request will be distributed to the Township Manager, Township Assistant Manager, Board of Supervisors and, if necessary, other officials.
- C. Review of the Waiver. The waiver shall be reviewed by the Township staff, and recommendations shall be forwarded to the Board of Supervisors, which shall render a decision on the request within thirty (30) days of submission.
- D. Ruling on the Waiver. The Board of Supervisors shall have the authority to approve or disapprove the waiver. In granting any waiver, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

Action on the waiver shall be entered in the minutes of the Board of Supervisors and forwarded to the applicant. Failure of the Board of Supervisors to render a decision and communicate it to the applicant as described herein, shall not be deemed an approval of the waiver.

Section 2. The following sections of Ordinance 7 of 2009 are renumbered as follows: Section XV. Penalties; Section XVI. Repealer; and Section XVII, Severability.

Section 2. Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provisions had not been included therein.


Section 3. Effective Date. The Ordinance shall become effective 5 days from the date of enactment.

Section 4. Repeal of Inconsistent Provisions. Any ordinances or parts of ordinances inconsistent herewith are hereby repealed. In all other respects, the Ordinance 7 of 2009 shall remain as heretofore enacted, ordained, and amended.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 15 of 2009 this
23rd day of September, 2009 by the Board of Supervisors of the Township of Silver Spring.

ATTEST:

BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING



Township Secretary (Assistant)



Chairman