

TOWNSHIP OF ABINGTON

(Lackawanna County, Pennsylvania)

Ordinance No. 81 of 1988

REGULATING AND PROHIBITING DUMPING OF SANITARY WASTE, INDUSTRIAL WASTE, AND OTHER FORMS OF WASTE MATERIAL INTO THE PUBLIC SEWAGE COLLECTION AND TREATMENT SYSTEM IN THE TOWNSHIP OF ABINGTON FROM SOURCES OTHER THAN THE IMPROVED PROPERTIES NOW AND HEREAFTER CONNECTED WITH AND USING THE SEWER SYSTEM; ESTABLISHING FINES AND PENALTIES FOR EACH VIOLATION; AND AUTHORIZING COLLECTION OF THE COSTS OF CLEANING UP ATTRIBUTABLE TO ANY VIOLATION BY SUIT AGAINST THE PERSON CONVICTED OF A VIOLATION AND AGAINST THE EMPLOYER OF SUCH PERSON.

Whereas, the Township of Abington (herein called the "Township") is the operator of a public sewage collection and treatment system (herein called the "Sewer System"); and

Whereas, the Township heretofore adopted Ordinance No. 74 of 1985 to regulate discharges into the Sewer System from the improved properties now and hereafter connected with and using the Sewer System; and

Whereas, the Board of Supervisors of the Township has become aware of attempts to dispose of sanitary waste, industrial waste, and other forms of waste material (herein called "Waste Material") pumped out of septic tanks and obtained from other sources, by dumping the same into municipal sewer systems, and believes that it is necessary, and in the best interests of the residents of the Township, to regulate and prohibit the dumping of Waste Material into the Sewer System from sources other than the improved properties now and hereafter connected with and using the Sewer System, to establish fines and penalties for violations, and to provide for the collection of clean-up costs from the person convicted of a violation and the employer of any such person,

Now, therefore, the Board of Supervisors of the Township, pursuant to the authority granted by Section 702, Clause XXVII, of the Second Class Township Code, Act of 1933, May 1, P.L. 103, as amended (53 P.S. §65727) and by Section 702, Clause XXV of the said Code, as amended (53 P.S. §65741), hereby ordains and enacts as follows:

Section 1. Incorporation of Recitals. The foregoing recitals, and all defined terms indicated by initial capitals appearing therein, are incorporated by reference in this Ordinance.

Section 2. Regulation and Prohibition of Dumping Wastes. After the effective date of this Ordinance, it shall be unlawful for any person to dump any Waste Material into the Sewer System, at a manhole or at any other location.

Section 3. Fines and Penalties. Any person convicted of a violation of the provisions of this Ordinance in a summary proceeding before a District Magistrate shall be sentenced to pay a fine of three hundred dollars (\$300.00) for each such violation, for the use of the Township, as well as the costs of prosecution, and on default of such payment, shall be subject to imprisonment, all as provided in the Pennsylvania Rules of Criminal Procedure and in other applicable statutes.

Section 4. Collection of Clean-up Costs. Any person convicted of a violation of the provisions of this Ordinance shall pay to the Township, upon demand made, all costs incurred by the Township in cleaning up and removing Waste Material dumped by such person into the Sewer System, and upon default in making such payment, the Township shall be entitled to bring suit against such person and against the corporation, partnership, or other entity that employs such person, before a District Magistrate or in the Court of Common Pleas of Lackawanna County, for the collection of all such clean-up costs, as well as the fees of the Township Solicitor for the institution and prosecution of such suit, and legal costs.


Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any section or provision of this Ordinance is declared invalid or unenforceable by any court of competent jurisdiction, such declaration shall not affect or impair any other sections or provisions of this Ordinance, and it is hereby declared that this Ordinance would have been adopted if the invalid or unenforceable section or provision had not be included in this Ordinance.

Section 6. Repeal of Inconsistent Ordinances. All prior ordinance, or portions of prior ordinances, that are inconsistent with the provisions of this Ordinance, are hereby repealed.

Section 7. Effective Date. This Ordinance shall become fully effective five days after enactment, as provided in Section 702 (Clause XXV) of the Second Class Township Code, Act of 1933, P.L. 103 (53 P.S. §65741).

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Adopted this 27th day of June 1988.


Alfred A. Rucic
Henry Belus
John J. [Signature]
Board of Supervisors