

WEST MANHEIM TOWNSHIP
YORK COUNTY, PENNSYLVANIA
ORDINANCE NO. 2020-02

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT
OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES
THE TOWNSHIP OF WEST MANHEIM, YORK COUNTY, PA**

WHEREAS, the Board of Supervisors of West Manheim Township, York County, and the Commonwealth of Pennsylvania, hereby ordains:

Section I. Short Title: Introduction; Purpose

A. This ordinance shall be known and may be cited as “An ordinance providing for a Sewage Management Program for West Manheim Township.”

B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), it is the power and the duty of West Manheim Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for West Manheim Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Definitions

A. “Authorized Agent” shall mean a sewage enforcement officer, employee of West Manheim Township, professional engineer, plumbing inspector, soils scientist, or any other qualified or licensed person who is authorized by the Board or its designee, or under this ordinance, or by state or federal law or regulation to administer or enforce the provisions of this ordinance.

B. “Board” shall mean the Board of Supervisors of West Manheim Township, York County, Pennsylvania.

C. "Community Sewage System" shall mean any on-lot sewage disposal system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

D. "Department" shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

E. "Individual Sewage System" shall mean any on-lot sewage disposal system or other facilities serving a single lot.

F. "Malfunction" shall mean a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

G. "Official Sewage Facilities Plan" shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

H. "On-lot Sewage Disposal System" shall mean any system for the collection of sewage and the pretreatment, treatment, and/or disposal of the sewage into a subsurface soil absorption area or retaining tank. This term includes both individual sewage systems and community sewage systems.

I. "Owner" shall mean any Person, as defined herein, holding equitable or legal title to real estate located in West Manheim Township, whether solely or with one or more other Persons.

J. "Person" shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

K. "Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

L. "Sewage" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended, and shall include kitchen and laundry waste water, water softener backwash, and gray water discharges.

M. "Sewage Enforcement Officer (SEO)" shall mean a person certified by DEP who is employed, designated, or appointed by the Township. Such person is authorized to perform percolation tests, site and soil evaluations, and to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder or under this or any other ordinance adopted by the Township.

N. "Sewage Management District" shall mean any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management program has been or is to be implemented.

O. "Sewage Management Program" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder, and such other requirements adopted by the Board of Supervisors to effectively enforce and administer this ordinance.

P. "Subdivision" shall mean the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

Q. "Township" shall mean West Manheim Township, York County, Pennsylvania.

R. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto. All defined terms in this ordinance shall include the meanings attributed to them under the Sewage Facilities Act and Regulations.

Section III. Applicability

A. From the effective date of this ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. In addition, whether or not the property is located within such an area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by or connected to an on-lot sewage disposal system and to all persons installing, removing, or rehabilitating on-lot sewage disposal systems.

Section IV. Permit Requirements

A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts.

B. No on-lot sewage disposal system shall be covered from view until the Sewage Enforcement Officer has inspected it for compliance with this Ordinance, the Sewage Facilities Act, The Clean Streams Law, and other applicable federal and state statutes and the regulations promulgated thereunder, and approval to cover the same has been given by a sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.

C. Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.

D. No building or occupancy permit shall be issued for a new or renovated building that will contain sewage generating facilities or that will be connected to an On-Lot Sewage Disposal System until a valid sewage permit has been obtained from a sewage enforcement officer, and in the case of an occupancy permit, until the On-Lot Sewage Disposal System has passed inspection by the Sewage Enforcement Officer.

E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

F. Sewage permits may be issued only by a sewage enforcement officer employed, designated, or appointed by the Township. DEP shall be notified as to the identify of each sewage enforcement officer employed, designated, or appointed by Township.

Section V. Ground Markers

Any person who shall install new or rehabilitated systems shall provide a marker or markers (locatable with a metal detector) at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Township's SEO. In addition, a riser or access hatch shall be constructed so as to enable easy access to the waste disposal tank, and prevent odors from escaping and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four-inch vertical, non-perforated PVC pipe connected directly to the drain tile at a minimum of four locations in the drainage field. If not installed by the Township or its authorized agent, such installation shall be subject to its approval.

Section VI Replacement Areas

A. Requirements.

(1) A replacement area for an individual on-lot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system, or for which a valid permit for installation of an individual on-lot sewage system has not been issued. Lots existing prior to February 8, 2005 shall be exempt from the requirements of this section.

(2) The replacement area provided shall comply with the Act and with all regulations issued by the DEP as incorporated into this Ordinance concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Ordinance and any other applicable Township ordinances.

B. Identification of replacement area.

(1) Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot sewage system, or who shall request approval of a planning module for land development or the adoption of a revision, exception to revision, or supplement to the Official Plan shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement area. The SEO shall perform or observe all tests required for the location of an individual on-lot sewage system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the SEO shall not constitute compliance with the requirements of this section.

(2) The location of the initial individual on-lot sewage system and the replacement area as confirmed by the SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

(3) If the application has been submitted as a part of an application for subdivision or land development approval or as part of a request that the Township approve a planning module for land development or amend its Official Plan, or a request for an exception to the revision of the Official Plan, the location of each initial individual on-lot sewage system and each replacement area shall be noted upon the plans. If the application is for subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the replacement area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

(4) Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this or a prior OLDS ordinance shall be reviewed for approval by the Board or its authorized representative in accordance with the terms of this Ordinance.

C. Construction restrictions.

(1) The easement for the replacement area noted upon the plan and recorded with the York County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed upon the replacement area.

(2) This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate replacement area which complies with all applicable regulations of the DEP, this Ordinance and all other applicable Township ordinances exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this Ordinance and shall be designated as the replacement area. The newly designated replacement area shall thereafter be considered the replacement area for the purposes of this Ordinance.

D. Relief from replacement area requirement.

(1) If any lot held in single and separate ownership as of February 8, 2005 does not contain land suitable for a replacement area, the applicant submitting a land development plan or a planning module for land development or desiring to install an individual on-lot sewage system may request that the Board grant an exception to the requirement of providing a replacement area. The applicant for such an exception shall present credible evidence to the Board demonstrating that the lot was held in single and separate ownership on February 8, 2005; the size of the lot; inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and the testing conducted to determine that the lot is not suitable to provide a replacement area.

(2) At all times, the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Ordinance. In no case shall any lot be exempted from the other requirements of this Ordinance.

Section VII. Inspections

A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance to assure continued compliance of these sewage facilities with this Ordinance, the Sewage Facilities Act, The Clean Streams Law, and other applicable federal and state statutes and the regulations promulgated thereunder.

B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

C. The Township's authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:

1. The matter shall be referred to the Township Manager and/or Board of Supervisors for action.
2. The Board may schedule a review at the next scheduled meeting, or, if the situation threatens the health or safety of the residents of the Township, the Board may commence an immediate procedure to obtain a search warrant from the Magisterial District Judge.
3. Upon receipt of a search warrant to inspect the property, the authorized agent of the Township shall be accompanied by an officer of the Township Police, and the inspection shall be completed in accordance with this Subsection C,
4. Any cost incurred by the Township shall be charged to the property owner, and, if reimbursement is not made, a lien shall be placed on the property.
5. The provisions of this Subsection C for obtaining a search warrant may be waived only when the Board and its authorized agent have reason to believe that the sewage facilities or alternative system is malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution or health hazard.

D. Each inspection shall be conducted by an authorized agent for the purpose of determining the type and functional status of each On-Lot Sewage Disposal System. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township records.

E. A schedule of routine inspections may be established to assure the proper functioning of the On-Lot Sewage Disposal Systems.

F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not

technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.

G. If there arises a geographic area where numerous on-lot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by Township officials and/or DEP, represents a serious public health or environmental threat.

Section VIII. Discharge of Waste

A. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system.

B. The following shall not be discharged into the system:

1. Industrial waste.

2. Automobile oil and other non-domestic oil.

3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.

4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

Section IX. Maintenance

A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler at least once every four years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. The septage pumper/hauler shall prepare a pumper's report/receipt and the On-Lot Septic System Report for West Manheim Township and submit copies of both documents to the owner and to the Township. Copies must be received at the Township's municipal office within 30 days of the date of pumping.

B. The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a sewage enforcement officer for approval of the necessary repair.

D. Any person owning a building connected to or served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

E. Additional maintenance may be required as needed, including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, and the diversion of surface water away from the disposal area.

Section X. System Rehabilitation

A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All Sewage as defined in this Ordinance, shall be discharged to the on-lot sewage disposal system. No on-lot sewage disposal system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.

B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be connected to or served by a malfunctioning on-lot sewage disposal system, or which is discharging sewage without a permit.

C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

D. A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity, altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

E. In lieu of, or in combination with, the remedies described in Subsection D above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment

system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 30 days.

G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section XI. Repair by the Township; Costs and Liens

The Township, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform, or contract to have performed, the work required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

Section XII. Disposal of Septage

A. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*) and all other applicable laws and at sites or facilities approved by DEP.

B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101–6018.1003) and all other applicable laws.

Section XIII. Administration

A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.

B. The Township shall employ, designate, or appoint qualified individuals to carry out the provisions of this ordinance. Those individuals shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.

C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection in accordance with the Pennsylvania Right to Know Law, 65 P.S. 67.101—67.3104. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.

D. The Township Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.

E. The Township Board of Supervisors may establish a fee schedule, and authorize the collection of fees, to cover the cost to Township of administering this program.

Section XIV. Appeals

A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within 30 days from the date of written notification of the decision in question.

B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent regularly scheduled meeting. The Board of Supervisors shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

C. The Board of Supervisors shall render its decision in writing within 30 days of the date of the hearing.

Section XV. Penalties

Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than Five-Hundred dollars (\$500) and costs, and not more than Five Thousand dollars (\$5,000) and costs, or in default thereof shall be confined in the county jail for a period of not more than 90 days. Each day of noncompliance shall constitute a separate offense.

Section XVI. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

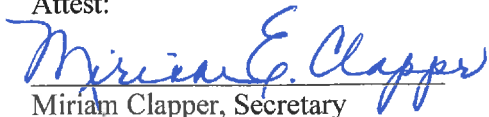
Section XVII. Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

ENACTED AND ORDAINED by the Board of Supervisors of West Manheim Township, York County, Pennsylvania, this 19th day of May 2020, with an Effective Date of June 1, 2020.

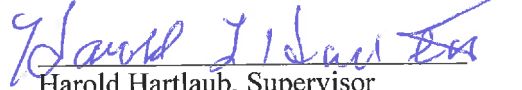
WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS

Attest:


Miriam Clapper, Secretary


Jeremy Ault, Chairman


James Staaf, Vice-Chairman


Harold Hartlaub, Supervisor

Terry Rynearson, Supervisor


Kyle Krysiak, Supervisor

(SEAL)

**WEST MANHEIM TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-03

**AN ORDINANCE OF WEST MANHEIM TOWNSHIP
PROHIBITING SMOKING ON PROPERTY OWNED OR
LEASED BY WEST MANHEIM TOWNSHIP**

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. § 66506, the West Manheim Township Board of Supervisors may make and adopt any ordinances necessary for the care and management of the Township and the health and welfare of its citizens; and

WHEREAS, it has been determined that smoking, as further defined herein, is a threat to the health and welfare of West Manheim Township citizens; and

WHEREAS, West Manheim Township desires to amend its Code of Ordinances to prohibit smoking, as further defined herein, on property owned or leased by West Manheim Township, and to establish penalties for the violation of this Ordinance.

NOW THEREFORE, it is ordained by the Board of the Supervisors of West Manheim Township, York County, Pennsylvania, as follows:

Section 1. Definitions.

SMOKE or SMOKING

Inhaling, exhaling, or burning any lighted cigarette, cigar, pipe, or other such device which contains tobacco or other smoke-producing products.

Section 2. Smoking prohibited.

No person shall smoke at or in any West Manheim Township owned or leased real property, building, vehicle or facility, including parks and open space areas.

Section 3. Enforcement; penalties.

A. The West Manheim Township Police Department and Code Enforcement Official shall have the power to enforce the provisions of this chapter, and may bring any action at law or in equity to secure compliance with the provisions of this chapter and/or collect any fine imposed.

B. Any person who violates this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation

continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

Section 4. Severability.

If any portion of this Ordinance or its application to any person, property or circumstance is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions, which shall remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision or its application not been included therein.

Section 5. Effective Date; Repeal.

This Ordinance shall become effective on July 22, 2020. All prior ordinances and/or portions thereof inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this 21 day of July, 2020.

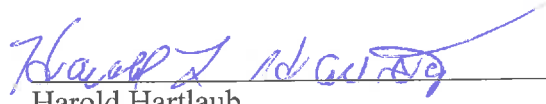
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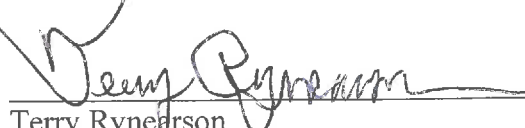
WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS



Miriam E. Clapper, Secretary

Jeremy Ault, Chairman


James Staaf, Vice-Chairman


Harold Hartlaub


Terry Rynearson


Kyle Krysiak