

ORDINANCE NO. 94 - 1

AN ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, PROVIDING FOR THE ADMINISTRATION OF ACT NO. 537 (P.L. 1535) COMMONLY REFERRED TO AS THE PENNSYLVANIA SEWAGE FACILITIES ACT, AS AMENDED; PROVIDING FOR THE APPROVAL AND INSPECTION OF PROPOSED SEWAGE DISPOSAL SYSTEMS; PROVIDING FOR THE APPROVAL AND INSPECTION OF PROPOSED WATER SUPPLY SYSTEMS; SETTING FEES FOR THE APPLICATION FOR SEWAGE PERMITS AND THE ADMINISTRATION OF SAID ACT AND REGULATIONS; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL SEWAGE ENFORCEMENT OFFICER

WHEREAS, the Pennsylvania Sewage Facilities Act, 35 P.S. Section 750.1 et seq., as amended ("Act") provides that Penn Forest Township ("Penn Forest") shall administer the Act and the rules and regulations promulgated from time to time thereunder by the Department of Environmental Resources ("Regulations"); and

WHEREAS, the Act and the Regulations provide that no person shall install, construct, alter or repair an individual or community sewage disposal system without first obtaining a permit; and

WHEREAS, the Regulations provide for minimum horizontal isolation distances between a treatment tank or absorption area and an individual water supply or water supply system suction line; and

WHEREAS, it is difficult, if not impossible, to comply with the aforementioned minimum horizontal isolation distance regulations without requiring that the location of the individual water supply or

water supply system suction line be ascertained and fixed at the time of the issuance of a permit for an individual or community sewage disposal system; and

**WHEREAS**, it is the desire of Penn Forest to promote and assure compliance with the Act and Regulations; and

**WHEREAS**, this Ordinance is to be read and interpreted as being completely compatible with the Act and the Regulations.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Supervisors of Penn Forest Township, Carbon County, Pennsylvania, and **IT IS HEREBY ENACTED AND ORDAINED** pursuant to the authority granted to said Supervisors by the Second Class Township Code, as amended, the Act, and the Regulations, as follows:

**SECTION 1. Definitions:** As used in this Ordinance, unless a different meaning clearly appears from the context, the words and terms have the same meaning as ascribed to them in the Act and the Regulations.

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

1. Individual Water Supply System - a system of piping, tanks, or other facilities serving a single lot with water for use and consumption on the premises.

2. Community Water Supply System - any system, whether publicly or privately owned, serving two or more lots with water for use and consumption on the premises.

SECTION 2. Requirement of Permit for Sewage System and Individual Water Supply System; and, Effect on Issuance of Building Permit and Occupancy Permit.

a. A sewage permit shall be required in every instance where a person desires to install, construct, alter or change an individual or community sewage system on any tract of land of any size or any location in Penn Forest, regardless of the use of the land, whether established by actual usage or zoning, and specifically this Ordinance requires the obtaining of a sewage permit on tracts of land of ten (10) acres or more for a rural residence. Any lot, regardless of size, shall not be issued a building permit unless a sewage permit is first obtained in accordance with the procedures set forth in the Act, the Regulations, and this Ordinance, as amended ("Ordinance").

b. 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 a community sewage system is to be

installed without first obtaining a sewage permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Act, the Regulations, and this Ordinance.

c. No person shall locate, install or construct an on-lot individual water supply system or community water supply system, or install or occupy any building or structure for which an on-lot individual water supply system or on-lot community water supply system is to be installed without first obtaining a sewage permit from the Sewage Enforcement Officer approving and fixing the location for the system.

d. No more than fifteen (15) days following completion of the water supply system installation, the owner of the property upon which the water supply system is located shall notify the Sewage Enforcement Officer of the completion of the water supply system installation. The Sewage Enforcement Officer shall then inspect the water supply system to determine whether the water supply system has been installed in the proper location. Provided the water supply system has been properly located, the Sewage Enforcement Officer will designate in writing his approval of such location on the sewage permit application or sewage permit.

e. An Occupancy Permit for a new premises shall not be issued unless the application for the Occupancy Permit has attached to it a copy of the sewage permit application or sewage permit signed by

the Sewage Enforcement Officer, approving that the sewage system be covered, and indicating that the water supply system has been correctly located.

**SECTION 3. Obtaining of Permit.** All permits described in Section 2 shall be obtained from the Penn Forest Township Sewage Enforcement Officer and be subject to all the conditions that may be required by any rules or regulations adopted by Penn Forest, Carbon County, and the Commonwealth of Pennsylvania concerning the issuance of such permits.

Application for a permit shall be in writing to Penn Forest in accordance with the provisions of the Act and shall be made in such form and shall include such data as the Department of Environmental Resources and Penn Forest may prescribe. This data shall include, but not be limited to, the location of the individual sewage system or community sewage system, location of the individual water supply system or community water supply system, and the location of the improvements presently located or to be located on the property for which the application is sought, in sufficient detail for the Sewage Enforcement Officer to assure compliance with the provisions of the Act, the Regulations, and this Ordinance. Applications made by an agent of the property owner shall be accompanied by written verification satisfactory to the Sewage Enforcement Officer of the authority of such agent to make application on behalf of the property owner.

**SECTION 4. Written Approval of the Sewage Enforcement Officer as a Condition to the Issuance of a Building Permit for New Construction or Major Improvements to, or for Installation of a High Water Consumption Device in Existing Structures.** No Building Permit for new construction or major improvements to an existing structure shall be issued unless the application for the building permit is accompanied by a written letter from the Sewage Enforcement Officer indicating that the existing sewage system is adequate to handle the increased sewage flow reasonably anticipated from the increased size and occupancy of the existing structure. Additionally, no hot tub or other high water consumption device shall be installed in existing structures without first obtaining the written approval of the Sewage Enforcement Officer that the existing sewage system is adequate to handle and accommodate such device.

**SECTION 5. Designation of Sewage Enforcement Officer.** The Supervisors shall from time to time designate one or more persons qualified by the Department of Environmental Resources to perform the functions as a certified Sewage Enforcement Officer to serve in that capacity at the will of the Supervisors.

**SECTION 6. Custodian of Documents.** The Township Secretary shall be the custodian of all applications, test results, permit copies

and related documentation concerning the testing, applications and permits issued or in any manner related to the duties of the certified Sewage Enforcement Officer.

**SECTION 7. Review Standards to be Followed by the Sewage Enforcement Officer.** In reviewing an application for the issuance of a sewage permit, in addition to assuring compliance with the provisions of the Act, the Regulations, and this Ordinance, the Sewage Enforcement Officer may be guided in his interpretation and application of the Act, the Regulations, and this Ordinance by the technical manual for Sewage Enforcement Officers published by the Department of Environmental Resources and made available to approved and certified sewage enforcement officers.

**SECTION 8. Reporting Requirements of Sewage Enforcement Officer.** Any certified Sewage Enforcement Officer designated by the Township who has any applications charged to him in any calendar month shall submit, in writing, monthly to the Township Secretary a list of all the applications in his possession and the activity or disposition concerning said application. If any application has been made by any person requesting a permit, the name of such person and a description of the property described in the application shall be included in this report. This written report shall be made available at the first public meeting of the Supervisors held monthly in each succeeding month and shall become part of the official Township records.

**SECTION 9. Site Preparation and Testing.**

a. **Availability of Water for Testing.** The applicant shall make provisions at his expense to provide water on the site for testing and to make all excavations necessary for testings including, but not limited to, the deep trench and the percolation holes.

b. **Property Survey.** Prior to testing, properties to be tested shall be clearly marked by property corner pins placed by a professional land surveyor (Penn Forest shall adopt rules and regulations regarding whether or not a new survey is required to obtain, renew, or transfer a permit). Additional markings, including but not limited to sideline markings may be required by the Sewage Enforcement Officer in order to assist in the location of the sewage system and the water supply system. The responsibility for the accuracy of these markings shall be that of the applicant.

c. **Presence of Property Owner or Agent.** At the request of the Sewage Enforcement Officer, the property owner, or his agent, shall be present at the time of testing.

d. **Time for Testing.** The Sewage Enforcement Officer shall meet on the site at the times mutually agreed upon for the purposes of making soil tests, deep trench inspections, and percolation tests. These tests shall not begin until the applicant has completed the required application for the test as provided by the Act, the Regulations, and this Ordinance.



**SECTION 10. Payment of Permit Fee.** The person when making application for a permit shall submit to the Township Treasurer or his designee the amount deemed to be appropriate pursuant to Sections 11, 12, 13 and 14 below. All fees required pursuant to this Ordinance shall be paid prior to the performance of the designated services by the Sewage Enforcement Officer. This payment shall be in cash or by certified check or bank money order or bank check or other guaranteed payment. Personal checks may be accepted by the Sewage Enforcement Officer if the applicant is personally known to him. In the event a personal check is returned for insufficient funds, this shall be sufficient ground to revoke a permit which may otherwise have been issued.

**SECTION 11. Fees - Individual Permits.** The person making the application for a sewage permit shall submit to the Township a fee, which fee shall be set by resolution. In addition to covering administrative costs, this fee covers the costs of the Sewage Enforcement Officer examining the probe hole, observing the percolation test, reviewing the system design, and processing the application. In the event the Sewage Enforcement Officer determines the site is not suitable, the unexpended application fee will be returned to the applicant. Additionally, a fee, which fee shall be set by resolution, shall be submitted to the Township when a permit is sought for the repair of a malfunctioning individual or community sewage disposal

system; if a call back is required; and, for transfers and renewals of existing permits.

**SECTION 12. Fees - Subdivision Permits.** Testing for subdivisions of ten (10) or more lots shall be performed by a soil scientist, accompanied by the Township Sewage Enforcement Officer and, if available, a soil scientist from the Department of Environmental Resources. The fee for testing in all subdivisions, regardless of the number of lots, shall be set by resolution.

**SECTION 13. Temporary and Portable Toilets.** Toilets which are designed to be of a portable and temporary nature, commonly known as porta-potties, job johnnies, or other similar designation, shall not be permitted to be used in the Township for a period exceeding thirty (30) calendar days without first making application to the Sewage Enforcement Officer on the forms provided for such application which permit may be issued for the use of said portable toilets for a period not to exceed sixty (60) days. After said period has expired, the permit may be renewed by the Sewage Enforcement officer for an additional permit time, as aforementioned, after the applicant has reapplied for the additional time. All of such portable toilets shall be maintained by the applicant with the removal of the waste material from the portable toilet on a weekly basis or as determined by the Sewage Enforcement Officer. A fee, which fee shall be set by resolution, shall be payable to the Township at the time the person

makes application or reapplies to the Sewage Enforcement Officer for said permit.

Notwithstanding the foregoing time restrictions on the use of temporary and portable toilets, permits for the use of such toilets shall be permitted to be issued for a twelve (12) month period for a specific site, renewable annually at the application fee then in effect for the issuance of a temporary or portable toilet permit, to those persons whose business or activity conducted at such site is conducted outdoors and is open to the public; and provided further less than five (5) individuals are employed by such person to supervise or oversee such business or activity at the site and that the toilet facility for which the permit is issued is restricted to use by the employees of such person.

**SECTION 14. Obtaining Permit to Install or Construct an Individual Water Supply System or Community Water Supply System When Not in Conjunction with Obtaining a Sewage Permit.**

a. It is anticipated that a property owner may desire to install or construct an individual water supply system or community water supply system not in conjunction with an activity which would require obtaining a sewage permit (e.g. replacing an existing individual water supply, providing a water supply for irrigation purposes). In such cases, the Sewage Enforcement Officer shall direct the application to the Board of Supervisors for approval or rejection.

The Board of Supervisors may refer the application to the Penn Forest Planning Commission for advisory comments.

b. The application should be in writing to Penn Forest and shall be made in such form and shall include such data as Penn Forest may require. This data shall include, but not be limited to, the location of the individual sewage system or community sewage system, location of the individual water supply system or community water supply system, and location of the improvements presently located or to be located on the property for which the application is sought, in sufficient detail for the Board of Supervisors to assure compliance with the Act, the Regulations, and this Ordinance. Applications made by an agent of the property owner, shall be accompanied by a written verification satisfactory to the Board of Supervisors of the authority of such agent to make application on behalf of the property owner.

c. A permit issued under this Section shall expire at the earliest of the following:

(1) Upon completion of construction or installation of the water supply system;

(2) At such time as any sewage permit pertaining to the subject property expires;

(3) Three (3) years from the date of issuance; or

(4) Such earlier time as the Board of Supervisors may decide at the time of approval of the application.

d. Permits issued under this Section may be transferred and renewed in the same manner as sewage permits.

e. In reviewing an application for a permit under this Section, the Board of Supervisors shall be guided by assuring compliance with the provisions of the Act and the Regulations.

f. Prior to designating the location of a proposed on-lot individual water supply system or community water supply system, the property for which application has been sought shall be clearly marked by property corner pins placed by a professional land surveyor (Penn Forest shall adopt rules and regulations regarding whether or not a new survey is required to obtain, renew or transfer a permit issued under this section). Additional markings, including but not limited to, sideline markings may be required by the Board of Supervisors in order to assist in the location of an individual or community water system. The responsibility for the accuracy of these markings shall be that of the applicant.

g. The fee to obtain a permit to install or construct an individual water supply system or community water supply system when not in conjunction with obtaining a sewage permit shall be set by resolution.

**SECTION 15. Amendment of Permit Fees.** The Board of Supervisors of Penn Forest shall have the power from time to time to amend the fees under Sections 11, 12, 13 and 14 of this Ordinance by a

resolution duly adopted by said Supervisors at any regular or special meeting thereof.

**SECTION 16. Township Rules and Regulations.** The Board of Supervisors of Penn Forest shall have the power from time to time to adopt such rules and regulations as shall be necessary for the implementation of the provisions of this Ordinance by a Resolution duly adopted by said Supervisors at any regular or special meeting thereof.

**SECTION 17. Violations and Penalties.** The violation of this Ordinance shall be deemed to be a summary offense and any person convicted of the violation of any of the provisions of this Ordinance shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and costs, and not more than Three Hundred (\$300.00) Dollars and costs, per day and in default thereof, shall be sentenced to imprisonment in the Carbon County Prison for a period of time not exceeding thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

**SECTION 18. Abatement of Nuisances.** In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and may be abated by Penn Forest by seeking appropriate equitable or legal relief from a Court of competent jurisdiction.

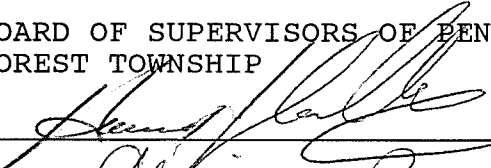
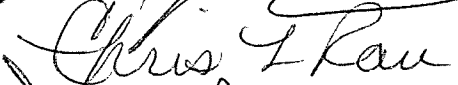
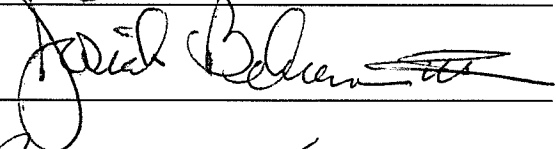
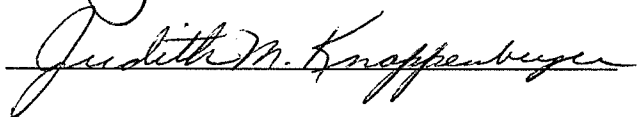
**SECTION 19. Repeal.** All Ordinances or Resolution or parts of Ordinances or Resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed. This Ordinance specifically repeals Ordinance Nos. 87-2, 87-3 and 89-5.

**SECTION 20. Severability of Provisions.** The provisions of this Ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clause, section or part thereof not been included therein.

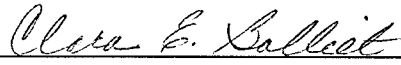
**SECTION 21. Effective Date.** This Ordinance shall become effective upon its enactment by the Board of Supervisors of Penn Forest Township.

ENACTED AND ORDAINED as an Ordinance by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania this 4th day of April, 1994.

BOARD OF SUPERVISORS OF PENN FOREST TOWNSHIP

  
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ATTEST:

  
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Secretary