

ORDINANCE NO. 87 - 2

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; SETTING FEES FOR THE APPLICATION OF SEWAGE PERMITS AND THE ADMINISTRATION OF SAID ACT AND REGULATIONS; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL SEWAGE ENFORCEMENT OFFICER

WHEREAS, Act No. 537 P.L. 1535 (1965) known as the Pennsylvania Sewage Facilities Act, 35 P.S. 750.1 et seq., as amended, provides for the responsibility of the administration of the aforementioned Act and rules and regulations as promulgated by the Department of Environmental Resources to the Township; and

WHEREAS, the Pennsylvania Sewage Facilities Act, as amended, and the rules and regulations of the Department of Environmental Resources issued thereunder require the granting of a permit before the installation, construction, alteration or repair of an individual or community sewage disposal system; and

WHEREAS, it is the further desire of the Township of Penn Forest, Carbon County, Pennsylvania, to require a permit for rural residences regardless of lot size since mere lot size will not in all cases or circumstances preclude the creation of a public health hazard or prevent pollution of the waters of the Commonwealth of Pennsylvania; and

WHEREAS, this Ordinance is to be read and interpreted as being completely compatible with the aforementioned Act No. 537 as

amended and with the statutes, rules and regulations now or hereinafter promulgated in accordance with said Act.

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 the said Supervisors by the Pennsylvania Sewage Facilities Act, as amended, as follows:

SECTION 1. Definitions. The definitions used under this ordinance are to have the same meaning as described in the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. 750.1 et seq., and the statutes, rules and regulations now or hereinafter promulgated in accordance with said Act.

SECTION 2. Requirement of Permit for Sewage System and Building Permit. 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 is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, as amended, and the standards adopted pursuant to said Act.

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 Township, Carbon County, Pennsylvania, 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, may not be issued a building permit unless a sewage permit is first obtained in accordance with the procedures set forth in the Pennsylvania Sewage Facilities Act, rules and regulations promulgated by the Department of Environmental Resources, and this Ordinance. An Occupancy Permit for a new premises shall not be issued unless the application for the Occupancy Permit has attached a copy of the sewage application or permit signed by the sewage enforcement officer and approving that the sewage system be covered.

SECTION 3. Obtaining of Permit. All permits for construction, installation, alteration, or change of an individual sewage system or a community sewage system shall be obtained from the Penn Forest Township's Sewage Enforcement Officer and be subject to all the conditions that may be required by any rules or regulations adopted by Penn Forest Township, Carbon County and the Commonwealth of Pennsylvania concerning the issuance of sewage permits.

Application for a permit shall be in writing to the Township of Penn Forest in accordance with the provisions of the Pennsylvania Sewage Facilities Act, as amended, and shall be made in such form and

shall include such data as the Department of Environmental Resources may prescribe. Simultaneously with the filing of an application for a sewage permit, an application for a water permit as provided in Penn Forest Township Ordinance No. 87-3, entitled "An Ordinance of Penn Forest, Carbon County, Pennsylvania, Providing for the Issuance of a Well Installation Permit; Setting Fees for the Application of a Well Installation Permit; Providing for Final Inspection of the Well Installation; Providing for the Appointment of a Water Enforcement Officer" shall be filed. 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 devise 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 devise.

SECTION 5. Designation of Sewage Enforcement Officer.

The Supervisors shall from time to time by resolution 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 Pennsylvania Sewage Facilities Act, as amended, and with the statutes, rules and regulations now or hereinafter promulgated in accordance with said Act, the Sewage Enforcement Officer may be guided in his interpretation and application of the Act and the standards adopted pursuant to said Act 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. Payment of Permit Fee. The person (as defined in the Pennsylvania Sewage Facilities Act) when making application for a permit shall submit to the Township Treasurer or his designee the amount deemed to be appropriate for the type of inspection set forth in Sections 11, 12 and 13 below. All fees required by Sections 11, 12 and 13 of 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 10. 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. 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 an individual or community sewage 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 Pennsylvania Sewage Facilities Act, as amended, and appurtenant rules and regulations from time to time adopted.

SECTION 11. Fees - Individual Permits. The person so defined making the application for a sewage permit shall submit to the

Township the sum of One Hundred Twenty-five (\$125.00) Dollars. When a permit is sought for the repair of a malfunctioning individual or community sewage disposal system, a fee in the amount of Fifty (\$50.00) Dollars will be paid by the applicant to the Township.

In the event the Sewage Enforcement Officer determines the site is not suitable, the unexpended application fee will be returned to the applicant.

In addition to these sums, if a sewage system is required to have a design an additional fee of Thirty (\$30.00) Dollars shall be paid for the design review and inspection purposes payable to the Township, and if a call back is required, an additional Thirty (\$30.00) Dollars shall be assessed against the applicant. Fees for transfers and renewals of existing permits shall be Twenty-five (\$25.00) Dollars each.

SECTION 12. Fees - Subdivision Permits. Testing for subdivisions of ten or more lots shall be performed by a soil scientist in accordance with the provisions of the Pennsylvania Sewage Facilities Act and promulgations of the Department of the Environmental Resources, accompanied by the Township Sewage Enforcement Officer and, if available, a soil scientist from the Department of Environmental Resources. A fee of Twenty (\$20.00) Dollars per test, in addition to any other charges or costs made or incurred by the Sewage Enforcement Officer, in accordance with the

schedule set forth in Section 10 above, shall be paid the Sewage Enforcement Officer.

For subdivisions of fewer than ten lots, the Sewage Enforcement Officer will be paid a fee of Thirty (\$30.00) Dollars per test pit, together with other charges and costs in accordance with the schedule set forth in Section 10 above.

SECTION 13. Temporary and Portable Toilets. Toilets which are designed to be of a portable and temporary nature, commonly known as porta-potties, job johnies, 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 Township 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 Township 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 Township Sewage Enforcement Officer. The fee of Twenty (\$20.00) Dollars shall be payable to the Township at the time the person, as defined in the Act, makes application or reapplies to the Sewage Enforcement Officer for said permit.

SECTION 14. Amendment of Permit Fees. The Board of Supervisors of Penn Forest Township shall have the power from time to time to amend the fees set forth in the foregoing Sections 11, 12 and 13 of this Ordinance by a resolution duly adopted by a majority of said Supervisors at any regular or special meeting thereof.

SECTION 15. Township Rules and Regulations. The Board of Supervisors of Penn Forest Township 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 a majority of said Supervisors at any regular or special meeting thereof.

SECTION 16. 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 17. 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 Township by seeking appropriate equitable or legal relief from a Court of competent jurisdiction.

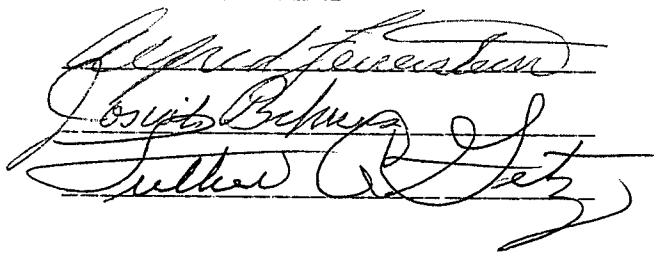
SECTION 18. Repeal. All Ordinances or Resolutions or parts of Ordinances or Resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed.

SECTION 19. 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 20. 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 22ND day of April, 1987.

BOARD OF SUPERVISORS OF PENN
FOREST TOWNSHIP



ATTEST:

Clara E. Balliet
Secretary