

TOWNSHIP OF AMITY

BERKS COUNTY

ORDINANCE NO. 95-148

AN ORDINANCE PROVIDING FOR THE PERMITTING OF ALL ON-LOT SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON ALL LOTS IN AMITY TOWNSHIP, REGARDLESS OF LOT SIZE, AND PROVIDING PENALTIES AND ENFORCEMENT REMEDIES.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania adopted, and the Governor of said Commonwealth approved, under date of January 24, 1996, P.L. 1535, No. 537 (35 P.S. §§750.1-750.20), known as the Pennsylvania Sewage Facilities Act, which Act has been subsequently amended and is referred to hereinafter as the "Act";

WHEREAS, Section 4 of the Act of December 14, 1994 (P.L. \_\_\_\_\_, No. 149) contains an amendment to Section 7(a) of the Act which provides that, except where a local agency or municipality requires a permit by ordinance, certain owners of lots ten (10) acres or larger are exempt from the requirements of the Act to obtain a permit for the installation of an on-lot sewage disposal system on such person's lot;

WHEREAS, the Township of Amity is a municipality as defined in Section 2 of the Act;

WHEREAS, Section 7(a)(1) of the Act, as amended by the Act of December 14, 1994, authorizes the Township to enact an Ordinance requiring a permit for the installation of all on-lot sewage disposal systems within the Township, including those lots or proposed lots to be serviced by on-lot sewage disposal systems, irrespective of whether any such lot of 10 acres or larger would otherwise qualify for an exemption from the permitting requirements of the Act;

WHEREAS, the Township of Amity desires that permits be required for the installation of on-lot sewage disposal systems on all lots ten (10) acres or larger, which lots otherwise qualify for an exemption from the permitting requirements of the Act;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Amity Township, Berks County, Pennsylvania, as follows:

SECTION I. SHORT TITLE, STATUTORY BASIS, PURPOSE.

1. This Ordinance shall be known as the "Amity Township On-Lot Sewage Disposal System Permit Ordinance."

2. This Ordinance is adopted pursuant to Section 7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended (35 P.S. §740.7(a)(1)).

3. The purpose of this Ordinance is to provide for, consistent with the terms and conditions of the Amity Township Zoning Ordinance and the Amity Township Subdivision and Land Development Ordinance, as amended, the permitting of all on-lot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa. Code Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act.

#### SECTION II. PERMIT REQUIREMENT.

1. From and after the effective date of this Ordinance, all persons required or proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons required or proposing to install such a system on a lot ten (10) acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of Section 7(a)(1) of the Act, shall apply to the Township for a permit for the installation of such system.

2. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

3. The mandatory provisions for application and review of the permit for installation of an on-lot sewage disposal system shall be waived only upon application to and solely within the discretion of the Board of Supervisors of Amity Township in accordance with such standards, regulations, and conditions as may be adopted by the Township at the recommendation of the Township Engineer and the Township Sewage Enforcement Officer.

### SECTION III. ENFORCEMENT.

1. Any person violating any of the provisions of this Ordinance shall be subject to the civil and criminal penalties authorized pursuant to Sections 13 and 13.1 of the Act, as amended.

2. In addition to the penalties for non-compliance set forth in subsection 1 above, it is further provided that all of the civil and equitable remedies set forth in Sections 12, 14 and 15 of the Act (35 P.S. §§750.12, 750.14 and 750.15), as

amended, shall be applicable to violations of this Ordinance.

SECTION IV. REPEALER.

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

SECTION V. SEVERABILITY.

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

SECTION VI. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon enactment [or such time as desired by Township].

ORDAINED AND DATED this 1st day of May,  
1995.

AMITY TOWNSHIP  
BOARD OF SUPERVISORS

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Myron S. Wheeler, Chairman

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George J. Graefe

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Barry Gross

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Thomas F. Kirchner

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George H. Schreier

