

TOWNSHIP OF AMITY

ORDINANCE NO. 69

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AN ORDINANCE DEFINING AND REGULATING THE DISPOSAL OF SEWAGE AND WASTE WATER BY MEANS OF AN ON-LOT SEWAGE DISPOSAL SYSTEM WITHIN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA AND PROVIDING FOR INSPECTION OF PROPOSED SEWAGE DISPOSAL SYSTEMS AND APPROVAL OF THE SAME BY THE TOWNSHIP BEFORE AND AFTER THE BUILDING OR CONSTRUCTION OF THE SAME; AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

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WHEREAS, the problem of on-lot disposal of sewage and other domestic waste waters within the Commonwealth of Pennsylvania and the Township of Amity continues to be compelling; and

WHEREAS, the Pennsylvania Department of Environmental Resources has promulgated regulations pertaining to on-lot sewage disposal under provisions of the Pennsylvania Sewage Facilities Act, the Clean Streams Law and the Administrative Code of 1929;

NOW, THEREFORE, be it ordained, and it is ordained, by the Board of Supervisors of Amity Township, Berks County, Pennsylvania to wit:

SECTION 1. DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the meanings ascribed to them in this section.

1.1 Sewage Enforcement Officer - shall mean the Amity Township

official, certified as a sewage enforcement officer, who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act, as amended, its rules and regulations and the provisions of this township ordinance.

1.2 Individual Sewage System - shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth or by means of conveyance to another site for final disposal; an alternate individual sewage system shall mean any individual sewage system not heretofore recognized by rules, regulations and standards of the Pennsylvania Department of Environmental Resources.

1.3 Community Sewage Disposal System - shall mean a sewage disposal system, other than an individual or public system, which receives human excreta or liquid wastes, or both, from two or more lots or premises and treats and disposes of the wastes by an on-lot sewage disposal system on one or more of the lots or at any other site.

1.4 Public Sewage Disposal System - shall mean a sewage disposal system, other than an individual or community system, which receives human excreta or liquid wastes, or both.

1.5 Sewage Disposal System Permit - shall mean a written permit issued by the Sewage Enforcement Officer, permitting the construction of an individual sewage disposal system under the terms of the Pennsylvania Sewage Facilities Act and this ordinance.

1.6 Person - shall include any individual, association, public or private corporation for profit or not for profit, partnership,

firm, trust, estate, department, board, bureau or 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.

SECTION 2. REQUIREMENT AS TO INDIVIDUAL PROPERTIES

2.1 No raw sewage, septic tank effluent, kitchen and laundry wastes, or seepage from a soil absorption system shall be discharged to the surface of the ground, or into any surface water body or channel of conveyance, nor shall it be discharged into any rock formation or groundwater table without proper renovation provided by a permitted sewage disposal system.

2.2 From and after the effective date of this Ordinance, no person or persons shall commence the construction, alteration, repair, or extension of any kind of or any nature whatsoever of an Individual Sewage Disposal System, regardless of the lot size or land area available, without first making application for a Sewage Disposal System Permit to the Sewage Enforcement Officer, and receiving approval of same. In the event a building is proposed to be constructed utilizing on-lot sewage disposal facilities, the suitability of the land to satisfactorily accept and renovate sewage and other waste waters must be determined beforehand.

2.3 On-lot sewage disposal systems for industrial and commercial establishments shall conform to the requirements of the regulations promulgated under the Pennsylvania Sewage Facilities Act, as amended, and this ordinance.

2.4 The Sewage Enforcement Officer shall assist applicants for on-lot sewage disposal permits in ascertaining the minimum specifications for approved sewage disposal systems, as set forth by regulations promulgated under the Pennsylvania Sewage Facilities Act, as amended, and the terms of this ordinance.

2.5 A building which cannot be connected with a public or community sewage disposal system at the time of construction shall be provided with an on-lot sewage disposal system consisting of a treatment tank connected with a conventional subsurface absorption area, alternate system, or retention in a holding tank. The minimum required subsurface absorption area, as measured in square feet of bottom area of the absorption trenches or bed, shall conform to at least the minimum requirements of the regulations promulgated under the Pennsylvania Sewage Facilities Act, as amended.

2.6 If requested and substantiated by accurate percolation tests, subsurface absorption areas, both conventional and alternate designs, may be reduced to the minimum square feet stipulated by the above regulations.

2.7 In the event that a Sewage Disposal System Permit is issued by the Sewage Enforcement Officer, it is specifically required that no part of the disposal system to include the connecting piping constructed upon the premises in question shall

be covered or operation of said sewage system permitted by the applicant until said installed system has been inspected and approved for covering by the Sewage Enforcement Officer. In the event that said installation complies with the requirements and regulations of this Ordinance and the Pennsylvania Sewage Facilities Act, the Sewage Enforcement Officer will so note on the permit.

2.8 If upon inspection the Sewage Enforcement Officer determines that the installed system does not meet the specifications on the application and permit, the Sewage Enforcement Officer shall specify the defects in said installed system in writing to the applicant. The applicant shall not cover or put the system into operation until such defects have been corrected and the system has been re-inspected and approved by the Sewage Enforcement Officer. There shall be an additional fee charged for each re-inspection of an installed system where such re-inspection is necessary for the reason set forth above.

2.9 It shall be the duty of the owner or occupant of a premises to give the Sewage Enforcement Officer free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements and regulations of this Ordinance and the Pennsylvania Sewage Facilities Act.

2.10 No installation of individual sewage disposal systems may be made in marshy areas or areas which may be subject to flooding. Excessive slope, seasonal high water table, too slow or fast percolations rates and adverse soil conditions may also limit the installation of on-lot systems.

2.11 No bulldozers, trucks, or other heavy machinery shall be driven over the system after installation.

SECTION 3. SEWAGE PERMIT DATA REQUIREMENTS

3.1 All applications for permits shall be made to the Sewage Enforcement Officer who shall issue a permit upon compliance by the applicant with the regulations of the Pennsylvania Sewage Facilities Act, this Ordinance and any regulations adopted hereunder.

3.2 The Sewage Enforcement Officer may refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewerage systems are available within 150 feet of the residence to be served.

3.3 Applications for permits shall be in writing, shall be signed by the property owner and shall include the following:

3.3.1 Name and address of the applicant.

3.3.2 Lot and block number of property on which construction, alteration, or extension is proposed.

3.3.3 Complete plan of the proposed sewage disposal facility, with substantiating data, attesting to its compliance with the minimum standards as set forth in the Pennsylvania Sewage Facilities Act, this Ordinance and their regulations. A complete plan shall include, but not be limited by, the following:

3.3.3.1 The number, location, and size of all sewage disposal facilities to be constructed, altered, repaired, or extended.

3.3.3.2 The location of water supplies, water supply

pipng, existing sewage disposal facilities, buildings or dwellings, adjacent lot lines, and streets.

3.3.3.3 Plans of the proposed sewage disposal facilities to be constructed, altered, repaired, or extended.

3.3.3.4 Such information as may be required by the Sewage Enforcement Officer to substantiate that the proposed construction, alteration, repair, or extension complies with regulations promulgated by the Commonwealth and Township of Amity.

3.4 Any person whose application for a permit under this ordinance has been denied may request, in writing, within 30 days of said denial, a hearing before the Board of Supervisors. The Board will then schedule a hearing within 15 days of receipt of said written request. The within procedure for requesting review of denial of a permit shall be considered an administrative remedy for said refusal.

SECTION 4. FEES

4.1 The Sewage Enforcement Officer shall prepare and submit to the Board of Supervisors a schedule of fees to be paid to the Township by the applicant for services to be rendered with respect to initial on-lot inspection, evaluation of soil profile and percolation date, design of system and final inspection; if applicable, also for excavation of the test pit and percolation holes, description of the soil horizon, performance of percolation tests and re-inspections, if required.

The schedule of fees submitted by the Sewage Enforcement

Officer shall be subject to the approval of the Board of Supervisors and any revisions thereof must be approved by the Board.

The Sewage Enforcement Officer or Board of Supervisors shall prepare and distribute to prospective applicants guidelines informing them of the various procedural steps incidental to the complete application permit process, including costs involved at various step levels.

The schedule of fees referred to herein shall be set forth in a resolution or resolutions of the Board of Supervisors of Amity Township, Berks County, Pennsylvania.

SECTION 5. PENALTIES

5.1 Any person who violates any provision of this ordinance, or any provision of any regulation adopted pursuant to authority granted by this ordinance, shall upon conviction, be punished by a fine of not more than THREE HUNDRED DOLLARS (\$300.00) or by imprisonment for not more than thirty (30) days; and each day's failure to comply shall constitute a separate violation.

SECTION 6. EFFECT ON PARTIAL INVALIDITY

6.1 If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason, whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 7. EFFECTIVE DATE

7.1 This ordinance shall be effective on and after the 16th day of July, 1976.

s/ D. Gene Hafer

SEAL:

s/ Jacob S. Oxenford

s/ W. E. LeGrande, Jr.

Amity Township  
Board of Supervisors

ATTEST:

s/ John C. Karst  
Secretary