

ORDINANCE NO. 75-2

AN ORDINANCE REQUIRING THE OBTAINING AND ISSUANCE OF A SEWAGE PERMIT FOR ANY PERSON PROPOSING TO INSTALL, CONSTRUCT, OR ALTER AN INDIVIDUAL OR COMMUNITY SEWAGE SYSTEM, PROVIDING FOR THE APPOINTING OF A TOWNSHIP SEWAGE ENFORCEMENT OFFICER, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE WITHIN ORDINANCE.

BE IT ENACTED AND ORDAINED by the township of Weisenberg, County of Lehigh, and Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

Section 1. Definitions

As used in this act the following definitions shall apply.

(a) "Individual sewage system" means a single system of piping, tanks or other facilities serving one or two lots and collecting and disposing of sewage in whole or in part into the soil of the property or into any waters of this Commonwealth.

(b) "Community sewage system" means any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving three or more individual lots.

(c) "Subdivision" means the division of a single tract or other parcel of land, or a part thereof, into three or more lots, and shall also include changes in street lines or lot lines.

(d) "Lot" means a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

(e) "Sewage" means 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.

(f) "Person" shall include any individual, copartnership, association or private corporation.

Section 2. No person shall install, construct, or alter an individual sewage system or community sewage system, or construct, erect or occupy any building or structure, or repair or extend any sewage disposal system regardless of lot size or acreage involved, ~~without~~ first obtaining a sewage permit indicating that the site and the plans and specifications of such system are in compliance with the provisions and standards of this ordinance and the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, 35 P. S. 750.1 et. seq., and the Rules and Regulations of the Pennsylvania Department of Environmental Resources, sometimes hereinafter referred to as DER.

Section 3. Application for a sewage permit shall be made by the property owner, in writing, on such form and including such data as the DER may from time to time prescribe to the township.

Section 4. Permits shall be issued or denied within seven (7) days after receiving the application for the permit, provided that should the township find the data submitted by the applicant incomplete, or should the township be unable to verify the information submitted, then the township shall so notify the applicant within seven (7) days after receiving such application, and the time for acting thereon shall be extended fifteen (15) days beyond the date of the receipt of adequate supplementary and amendatory data. A denial of a sewage permit application shall be supported by a statement, in writing, specifying the reasons for such denial or other action.

Section 5. The applicant may request a hearing before the township supervisors, provided that a request be made, in writing, within thirty (30) days from receipt of the denial notice by the applicant.

Section 6. An outstanding sewage permit shall be revoked by the township sewage enforcement officer for any or all of the following enumerated reasons:

- (a) When any change has occurred in the physical condition of any land or the proximate topography that will materially effect the operation of the sewage disposal system.
- (b) When it is discovered that one or more tests required by this ordinance or by DER regulations have been conducted improperly.
- (c) When it is discovered that data on the application for the permit has been false or fraudulent.
- (d) When the decision of the township in issuing a sewage permit has failed to conform with the rules and regulations of the DER.
- (e) When the permittee has otherwise violated the provisions of this ordinance or the rules and regulations of the DER, pursuant to which the permit was issued.

The sewage enforcement officer shall not revoke any sewage permits, except by writing the permittee, and the permittee shall have

ten (10) days from the date of the mailing of a denial notice to request a hearing before the township, relating to the revocation of such permit.

Section 7. No structure or system designed to provide individual or community sewage disposal shall be covered from view or backfilled in any manner until approval to cover or backfill the same has been procured from the body which issued the original permit. Upon the expiration of seventy-two (72) hours, excepting Sundays and Holidays, from the time the sewage enforcement officer has received written notification by the permittee that construction was or is completed, the applicant-permittee may cover or otherwise backfill such system or structure, unless within the above mentioned seventy-two (72) hour period permission has been refused by the sewage enforcement officer.

Section 8. The township may inspect and make tests at any time, either before, during, or after construction, and may order an installation to be uncovered at the expense of the applicant-permittee if the installation has been covered or otherwise backfilled, contrary to the provisions of this ordinance.

Section 9. The applicant-permittee is responsible for conducting soil tests, pit excavations, digging percolation test holes, and providing water to conduct the percolation test. The sewage enforcement officer shall be notified and it shall be the sewage enforcement officer's duty to verify the soil profile and percolation test.

Section 10. The supervisors of the within township shall appoint for a term of one year a sewage enforcement officer. The township supervisors shall have the authority and are herein authorized to appoint an interim sewage enforcement officer, should the office become vacant at any time during a current term thereof. Such interim sewage enforcement officer shall serve until the expiration of the then current term, or upon resignation of office.

Section 11. The township supervisors, by resolution, may from time to time adopt fee schedules for the application and/or issue of sewage permits pursuant to this ordinance.

Section 12. Penalties. Any person who shall violate any of the provisions of this ordinance, or the rules and regulations or standards promulgated hereunder, or who resist or interferes with any officer, agent, or employee of the township, shall, upon conviction thereof, in a summary proceeding before any Justice of the Peace, Alderman, or Magistrate, 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, to be paid to the township, or in default thereof, shall be sentenced to a term of not more than thirty (30) days.

This ordinance shall become effective on the 5th day following the adoption hereof.

DULY ENACTED AND ORDAINED this 1st day of May, 1975, by the Board of Township Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEISENBERG

By:

Ralph W. Jettlemager

Ralph V. Bittner

Charles G. Bennecoff
Township Supervisors

ATTEST:

Donald P. Breining