

## CHAPTER 18

### SEWERS AND SEWAGE DISPOSAL

#### Part 1

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Part 1

Sewage Facilities Regulations

§101. Short Title. This Part shall be known as "The Conewago Township Sewage Facilities Regulations." (Ord 1981-1, 3/11/1981, §1)

§102. Minimum Standards Adopted. The procedures and standards established herein for the regulation of sewage systems and related systems and related testing are those adopted from the Sewage Facilities Act and the regulations, standards and practices of the Pennsylvania Department of Environmental Protection promulgated pursuant to said Act, which regulations, standards and practices, as may be revised from time to time, are intended to serve as reference minimum standards for the Township. Particularly, the "Standards for Sewage Disposal Systems" established in the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as may from time to time be revised, shall be the minimum standards of the Township for the design, installation and operation of such systems. A copy of these standards shall be supplied on request, to any applicant, by the Sewage Enforcement Officer. (Ord. 1981-1, 3/11/1981, §2; as amended by A.O.

§103. Conformity with Provisions Required. The construction, installation, alteration, extension or repair of any sewage system, any part thereof, or any disposal or treatment plant, in the Township, shall be in accordance with the procedures, practices and standards established herein, either directly or by reference. (Ord. 1981-1, 3/11/1981, §3)

§104. Suitability of Land for Development or Subdivision. The requirements for assuring the suitability of lands proposed for land development or subdivision shall be in accordance with the procedures, practices and standards established herein, either directly or by reference. (Ord. 1981-1, 3/11/1981, §4)

§105. Certain Work to be Done in Compliance with Regulations. No sewage system, nor any part thereof, shall be constructed, installed, altered, extended or repaired; no permit shall be issued nor system approved; and no land development nor subdivision shall proceed nor be approved which does not comply with these regulations. (Ord. 1981-1, 3/11/1981, §5)

§106. Requirement of Deep Probe. In addition to the requirements set forth by the Department of Environmental Protection regarding lot testing, and notwithstanding any other provisions herein to the contrary, at least two (2) satisfactory deep probe and percolation tests will be required on each building lot in the vicinity of each sewage disposal system. (Ord. 1981-1, 3/11/1980, §6; as amended by A.O.

§107. Standard Percolation Tests. In addition to the Department's requirements, standard percolation tests shall be conducted under the supervision of the Township Sewage Enforcement Officer. (Ord. 1981-1, 3/11/1980, §7)

§108. Discretionary Percolation Test. In addition to the requirements set forth by the Department, a percolation test shall be required where the results of the deep probe indicate that only an alternate system is permissible on the building lot. In such event, the Township Sewage Enforcement Officer shall determine, at his own discretion, the depth of the percolation test holes. (Ord. 1981-1, 3/11/1980, §8)

§109. Discretionary Authority of Sewage Enforcement Officer. In addition to the Sewage Facilities Regulations of the Department of Environmental Protection and notwithstanding any provisions to the contrary, where health hazards are apparent in either surface expression or as evidenced by contaminated wells, the Township Sewage Enforcement Officer shall have at his discretion the authority to order septic system repairs, modifications, or replacement in accord with existing Pennsylvania Department of Environmental Protection regulations and the aforesaid Sewage Facilities Regulations. (Ord. 1981-1, 3/11/1981, §9; as amended by A.O.)

§110. Application for Sewage Services. In addition to the Sewage Facilities Regulations of the Department and notwithstanding any provisions to the contrary, all services of the Township Sewage Enforcement Officer requested by applicants shall be submitted in writing to the Sewage Enforcement Officer, along with payment for such services in accordance with the fee schedule contained in the Sewage Facilities Regulations. (Ord. 1981-1, 3/11/1981, §10)

§111. Lateral Piping. All lateral piping to be placed within drainfields shall be four (4) inch perforated rigid plastic pipe or an approve equivalent. Orangeburg, terra-cotta, or other individual tiled pipes shall not be allowed within drain fields. (Ord. 1981-1, 3/11/1981, §11)

§112. Trench Pipe Ends. Trench pipe ends shall be sealed by mortar or plastic plugs. (Ord. 1981-1, 3/11/1981, §12)

§113. Slope of Trench Lines. The slope of trench lines shall not exceed one (1) inch per one hundred (100') feet. (Ord. 1981-1, 3/11/1981, §13; as amended by A.O.)

§114. Site Testing Information. All site testing information obtained for use in conjunction with any Pennsylvania Department of Environmental Protection planning module or application of sewage disposal system shall be performed or witnessed by the Township Sewage Enforcement Officer. (Ord. 1981-1, 3/11/1981, §14; as amended by A.O.)

§115. Placement of Septic System. No septic system shall be placed within any existing or former gully, swale, depression, or other drainageway which serves as a stormwater course during any rainfall event. (Ord. 1981-1, 3/11/1981, §15)

§116. Adoption of Additional Rules and Regulations. The Township, acting by and through its Board of Supervisors, or in appropriate cases, acting by and through its authorized representatives, reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper in connection with the interpretation and enforcement of the Sewage Facilities Regulations, which rules and regulations shall become and shall be construed as part of this Part. (Ord. 1981-1, 3/11/1981, §16)

§117. Definitions. As used in these regulations, words and phrases shall have the meanings given herein:

APARTMENT HOUSE - a building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

BUILDING SEWER - the piping carrying liquid wastes from a building to a treatment tank, or to a collector pipe of a community or public sewage system.

COMMUNITY SEWAGE SYSTEM - any system, whether publicly or privately owned, for the collection of sewage from two (2) or more dwelling units, or for the collection of sanitary sewage or industrial wastes, or both, and including various devices for the treatment of such sewage or wastes, or which discharges into a public sewage system.

DISPOSAL FIELD - an area in which open joint or perforated piping is laid in covered trenches or excavations, for the purpose of distributing liquid from a treatment tank into the soil.

DWELLING UNIT - one (1) or more rooms used for living and sleeping purposes, and having a kitchen with fixed cooking facilities, arranged for occupancy by one (1) family.

INDIVIDUAL SEWAGE SYSTEM - a single system of piping, tanks or other facilities, serving only a single dwelling unit, and disposing of sewage in whole or in part into the soil of the property, or into any waters of the Commonwealth of Pennsylvania, or discharging into a community or public sewage system.

INDUSTRIAL WASTES - liquid wastes resulting from the processing of materials in any commercial, industrial or manufacturing process or establishment.

LAND DEVELOPMENT -

(1) The erection or installation of a building, for residential or other purposes, the useful occupancy of which will require the disposal of sanitary sewage or industrial wastes.

(2) Any improvement or use of land which results in a need to provide for the disposal of sanitary sewage or industrial wastes.

MOBILE HOME - any portable or mobile vehicle or structure, designed or used for continuous living purposes, whether wheels, rollers or skids. are attached or unattached, except those which are:

(1) Displayed for sale.

(2) Utilized as an office in a commercial activity.

MOBILE HOME PARK - any site, lot, field or tract of ground, or part thereof:

(1) Where two (2) or more mobile homes are parked.

(2) Which is used by the public as a parking space for two (2) or more mobile homes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as part of the equipment of such a park.

MUNICIPALITY - Conewago Township, Dauphin County, Pennsylvania.

PUBLIC SEWAGE SYSTEM - any system of collector and interceptor piping, located in public rights-of-way or easements, discharging into and including centralized sewage treatment plants and all auxiliary facilities, providing means for a large number of users in a general area to dispose of sewage.

RECREATION FACILITY SEWAGE SYSTEM - any system for the collection and disposal, with or without treatment, of sanitary sewage, serving any facility or land use seasonally or periodically occupied for recreational purposes, whether or not the facility or land use includes permanent or portable structures or enclosures.

SEEPAGE PIT - a covered pit with open-jointed lining, through which liquid from a treatment tank can seep or leach into the soil.

SEWAGE - any substance which 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 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.

SEWAGE ENFORCEMENT OFFICER - the person, or his duly authorized agent, appointed by the Township to have the responsibility for administering these regulations, issuing permits and making inspections as herein provided. [A.O.]

SUBDIVISION - the division of a single lot, tract or parcel of land, or part thereof, into two (2) or more lots, tracts or parcels of land including changes in street line or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, the division of land for agricultural purposes into parcels of more than ten (10) acres, nor involving any new street or easement of access, shall not be included within the meaning of "subdivision."

TREATMENT TANK - a water-tight tank designed to retain sewage solids long enough for satisfactory bacterial decomposition to take place:

(1) AEROBIC TREATMENT TANK - any unit which incorporates as part of the treatment process a means of introducing air into the sewage held in a storage tank or tanks, so as to provide aerobic biochemical stabilization during a detention period.

(2) SEPTIC TANK - a water-tight tank receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition, and the separation of solids from the liquid through a period of detention before the liquid is discharged.

WATERS OF THE COMMONWEALTH OF PENNSYLVANIA - includes any and all rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs, and all other bodies of surface or underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

(Ord. 1981-1, 3/11/1981, §§21-40; as amended by A.O.)

§118. Applicability of Regulations. These regulations, procedures, practices and standards shall apply throughout the Township, to all sewage systems hereafter constructed, installed, altered, extended or repaired. (Ord. 1981-1, 3/11/1981, §51)

§119. Sewage Facilities Permit Required; Exception. A sewage facilities permit, issued by the Sewage Enforcement Officer, shall be required prior to the construction, installation, alteration, extension or repair of any sewage system, and prior to the construction or installation of any structure to be served by such a system, unless the Sewage Enforcement Officer determines in writing that a permit is not necessary in a particular case, listing the provisions of law allowing the exception. (Ord. 1981-1, 3/11/1981, §52; as amended by A.O.)

§120. Application for Permit; Information Required.

1. The application for a sewage facilities permit shall be made to the Sewage Enforcement Officer by the person, corporation or other entity who will be responsible for performing the work. [A.O.]

2. The application shall be made on a multi-copy form, as prepared for such use by the Pennsylvania Department of Environmental Protection and provided by the Sewage Enforcement Officer, and shall contain or be accompanied by the following information and data: [A.O.]

A. Name and address of the applicant.

B. Description of the real estate upon which the system is to be installed, and the improvements thereon which the system will serve.

C. Information related to the proposed installation, either:

(1) For a system proposed to discharge into a community or public sewage system:

(a) Official name of the agency operating the system into which discharge is to be made.

(b) Location and size of the collector pipe of the system into which discharge is to be made.

(c) Evidence of acceptance of, and capacity for, the discharge, by the operating agency and system.

(2) For an on-lot treatment and disposal system, or any other system not discharging into a public system:

(a) Detailed information showing the absorptive qualities, depth and type of soil involved, and the high-water level of the ground water table.

(b) Number and location of private and public water supplies within one hundred (100') feet of the proposed system.

(c) Location of and distance to any public sewage system within one (1) mile of the site.

D. Approval of the proposed system, when such is required, by the Department of Environmental Protection or any other agency of the Commonwealth of Pennsylvania. [A.O.]

E. Such further information as may be required by the Sewage Enforcement Officer, to ensure the propose system complies with these regulations.

(Ord. 1981-1, 3/11/1981, §53; as amended by A.O.)

§121. Application and Procedure for Lot Testing. For systems which will treat and dispose of sewage on the lot or land to be served by the system, the applicant shall make an initial application to the Sewage Enforcement Officer, containing the following information: [A.O.]

A. Name and address of the applicant.

B. Description of the real estate upon which the system is to be installed and the improvements thereon which the system will serve.

C. Brief description of the arrangements to conduct the required soil percolation rate tests, indicating the locations of the test holes on the site, who will be responsible for preparing the holes and performing the tests, and when the holes can be prepared, soaked and tested in accordance with these regulations.

D. The Sewage Enforcement Officer, or his agent, may periodically inspect the pre-soaking process, and shall observe the actual percolation rate tests. The pre-soaking and the rate tests shall be performed on a date and at a time in accordance with a written schedule, established cooperatively by the Sewage Enforcement Officer and whoever is responsible for performing the tests, provided that the Sewage Enforcement Officer may not require a date and time more than forty-eight (48) hours, exclusive of Sundays and holidays, later than that requested, and provided that if the Sewage Enforcement Officer or his agency fails to observe the tests performed according to such schedule, he shall accept the results reported by whoever is responsible for performing the tests and further provided that the results of tests performed other than according to such schedule, which are not observed by the Sewage Enforcement Officer or his agent, shall not be accepted, and shall be repeated on the order of the Sewage Enforcement Officer. [A.O.]

E. The applicant shall be advised by the Sewage Enforcement Officer of the additional data which will be required, concerning the site and the proposed system. The Sewage Enforcement Officer shall aid the applicant by providing suggestions as to satisfactory sources of such data.

(Ord. 1981-1, 3/11/1981, §54; as amended by A.O.)

§122. Issuance or Denial of Permit: Time Limit; Exception. Permits shall be issued or denied by the Sewage Enforcement Officer in writing within seven (7) days, and the time for acting thereon shall be extended seven (7) days beyond the date of submission of adequate supplementary or amendatory data. When the Sewage Enforcement Officer is satisfied the application is complete, and the proposed design meets the requirements of these regulations and will adequately protect the public health, a permit shall be issued. (Ord. 1981-1, 3/11/1981, §55; as amended by A.O.)

§123. Reasons for Denial of Permit. A denial of a permit by the Sewage Enforcement Officer shall be for any one (1) or more of the following reasons which shall be incorporated into the written denial:

A. Failure of the proposed design to meet the requirements of these regulations.

B. Soil or geological conditions are such as to preclude safe and proper operation of the desired installation.

C. A public sewage system is accessible, into which the sewage can be feasibly and legally discharged.

D. Proposed system will not adequately protect the public health.

(Ord. 1981-1, 3/11/1981, §56)

§124. Inspection of Installation of Sewage Systems. Whoever shall receive a permit to install a sewage system shall notify the Sewage Enforcement Officer as to when installation is to be made, and the Sewage Enforcement Officer or his agent may make such inspections or tests as deemed necessary, before or during installation. The Sewage Enforcement Officer shall be notified in writing when the installation is completed, and no installation shall be covered until it is inspected and given final written approval by the Sewage Enforcement Officer, provided that if the Sewage Enforcement Officer or his agent fails to inspect the installation within forty-eight (48) hours, exclusive of Sundays and holidays, of receiving the notice of completion, the installation may be covered, and it shall be accepted by the Sewage Enforcement Officer as in accordance with the approved plan and standards for the system; further provided that the Sewage Enforcement Officer may order any installation which has been covered contrary to the provisions herein to be uncovered for inspection, and also provided that the Sewage Enforcement Officer may order correction of any installation found by inspection to be not in accordance with the approved plan and standards, and that a new notice of completion shall be effected, following any ordered uncovering or corrective work. (Ord. 1981-1, 3/11/1981, §57)

§125. Effect on Building Permit Issuance. The officer of the Township responsible for the issuance of building permits shall not issue a building permit for any structure which is connected, or is intended to be connected, to any individual or community sewage system, until a sewage facilities permit has been issued for the sewage system which serves or will serve the structure. (Ord. 1981-1, 3/11/1981, §58)

§126. Mobile Homes Considered Separate Dwelling Units; Exception. For the purposes of this Part, mobile homes shall be considered as separate dwelling units, each requiring an individual sewage system, except for those mobile homes located in a mobile home park for which a sewage facilities permit has been issued. (Ord. 1981-1, 3/11/1981, §59)

§127. Separate Sewage Systems Required; Exception. Every dwelling unit shall have a separate, individual sewage system except those contained in apartment houses or in a two (2)-family house with the dwelling units arranged one (1) above the other. (Ord. 1981-1, 3/11/1981, §60)

§128. Recreation Facility Sewage System. Sewage systems which serve recreation facilities shall comply with the following regulations. Lands newly used for these purposes shall comply from the outset; lands previously used for these purposes shall comply within one (1) year after adoption of these regulations, and it shall be obligatory upon the owner or operator of any lands used for recreation purposes to obtain a sewage facilities permit, prior to installing or operating any sewage system, issued in accordance with the provisions herein:

A. Structures or land uses serving, or intended to serve, more than twenty (20) persons, or used or intended to be used periodically throughout the year, shall be served by an individual sewage system as herein defined and regulated.

B. Structures or land uses serving twenty (20) or fewer persons, and generally used only during the warm weather months, may be served by a sewage system composed of a fully-enclosed insect-tight structure, a privy vault or tank made of concrete, coated steel, or other material impervious to water and sewage, and related facilities. Such systems shall be in accordance with standards for such structures as accepted by the Pennsylvania Department of Environmental Protection, and shall be subject to initial and periodic inspection by the Sewage Facilities officer. Holding tanks shall be cleaned promptly, at the end of seasonal use and at such other times as necessary or as ordered by the Sewage Enforcement Officer. [A.O.]

C. The sewage system serving any recreation facility open to the public, with or without an admittance fee, is subject to the approval and regulation of the Pennsylvania Department of Health and/or Environmental Protection. [A.O.]

(Ord. 1981-1, 3/11/1981, §61; as amended by A.O.)

§129. Approval by Commonwealth of Certain Proposed Sewage Systems Required Prior to Issuance of Permit. In accordance with the aforesaid acts, rules and regulations of the Commonwealth of Pennsylvania, or such other regulations of the Commonwealth of Pennsylvania as may apply, the Sewage Enforcement Officer shall require, prior to issuing a sewage facilities permit, written or other acceptable means of notice of the approval of the proposed sewage system by the Sanitary Water Board, or the Department of Environmental Protection or such other agency of the Commonwealth of Pennsylvania as may have jurisdiction, for sewage systems proposed to serve any of the following: [A.O.]

- A. An apartment house.
- B. A commercial structure or land use.
- C. A community sewage system serving three (3) or more lots.
- D. An educational facility, public or private.
- E. A hospital or institutional facility.

- F. An industrial structure or land use.
- G. A mobile home park.
- H. A motel or hotel.
- I. A public or commercial park or recreation facility.
- J. A public building or land use.

(Ord. 1981-1, 3/11/1981, §62; as amended by A.O.)

§130. Consultation with County Sanitarian Required Before Issuance of Permit for Certain Sewage Systems. The Sewage Enforcement Officer shall be required to obtain the consultation of the County Sanitarian of the Pennsylvania Department of Environmental Protection, prior to issuing a sewage facilities permit for a sewage system proposed to serve the following: [A.O.]

A. A community sewage system serving more than two (2) dwelling units.

B. A non-residential facility for which the sewage system is not subject to approval by an agency of the Commonwealth of Pennsylvania.

(Ord. 1981-1, 3/11/1981, §63; as amended by A.O.)

§131. Sewage Enforcement Officer May Consult County Sanitarian Prior to Issuance of Permit. The Sewage Enforcement Officer may obtain the consultation of the County Sanitarian of the Pennsylvania Department of Environmental Protection, prior to issuing a sewage facilities permit for any proposed sewage system. (Ord. 1981-1, 3/11/1981, §64; as amended by A.O.)

§132. Discharge of Raw Sewage and Untreated Industrial Wastes Prohibited and Declared a Nuisance. No person, firm or corporation owning any real property within the Township of Conewago upon which is located an individual or community sewage system, disposal field, building sewer, recreation facility sewage system, seepage pit or treatment tank shall permit the discharge of any raw sewage or untreated industrial wastes into or through any of the aforementioned individual or community sewage systems, disposal fields, building sewers, recreation facility sewage systems, seepage pits or treatment tanks which by reason of malfunction, disrepair or fault in design, cause or permit said raw sewage or untreated industrial waste to escape to the surface of the ground or cause or permit the same to be discharged upon any private or public property, street, highway or right-of-way so as to emit any unpleasant or noxious odor or to create a possible health hazard within the Township. Any discharge of raw sewage or untreated industrial waste upon any premises within the Township and in violation of the provisions of §132, is hereby declared to be a nuisance and detrimental to the public health, safety and welfare of the inhabitants of the Township. (Ord. 1981-1, 3/11/1981, §65)

§133. Responsibilities of Owners of Real Property. The owner of any real property within the Township upon which is located an individual or community sewage system, disposal field, building sewer, recreation facility sewage system, seepage pit or treatment tank shall maintain the same in a good state of repair and in good working order and shall take such corrective measures as are necessary to comply with §132. (Ord. 1981-1, 3/11/1981, §66)

§134. Authority for Township to Perform or Have Performed Such Corrective Measures as Are Necessary and Collect the Costs Thereof Plus Additional Penalties. The Board of Supervisors or any officer or employee of the Township designated thereby for the purpose is hereby authorized to give notice, by personal service or by United States mail to the owner of any real estate whereon raw sewage or untreated industrial waste is being discharged in violation of §132 directing and requiring such owner to take such corrective measures as are necessary to abate the nuisance so as to comply with the provisions of this Part within five (5) days after the service of said notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time state therein, the Township authorities may take or have taken such corrective measures as are necessary to abate the nuisance, and the costs thereof, together with any additional penalty authorized by law, may be collected by the Township from such person, firm or corporation in the manner provided by law. (Ord. 1981-1, 3/11/1981, §67)

§135. Testing of Land for Subdivision Required. No plan for the subdivision of land which proposes the use of individual sewage systems shall be approved by the Township, nor shall any land in the Township be subdivided, until the land had been tested as provided in §136. (Ord. 1981-1, 3/11/1981)

§136. Request Test to be Accompanied by Subdivision Site Plan. Prior to the preparation and submission of a subdivision plat for approval, and prior to the subdivision of any land in the Township, the owner of the land, or his agent, shall request the Sewage Enforcement Officer to inspect and observe the testing of the site. Such request shall be accompanied by submission of a land subdivision site plan, which shall include the following, to the extent applicable:

A. General information describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities, and street improvements.

B. Location plan showing the location of the proposed subdivision and the existing community facilities which will serve or influence it: traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, and places of large employment.

C. Sketch plan showing the proposed layout of streets and lots, indicating the general contours and other features of the subdivision as planned.

(Ord. 1981-1, 3/11/1981, §72)

§137. Percolation Tests. Percolation tests shall be made throughout the area of the subdivision, with a minimum of two (2) satisfactory test sites per lot, or more, as may be required by the Sewage Enforcement Officer. Tests shall be performed by a qualified agent of the owner, in the presence of the Sewage Enforcement Officer or his representative, and shall be conducted in the manner and according to the procedures and standards established in the aforesaid rules and regulations of the Pennsylvania Department of Environmental Protection. (Ord. 1981-1, 3/11/1981, §73; as amended by A.O.

§138. Minimum Lot Size and Percolation Test Results to be Submitted with Subdivision Plat. Percolation test results, and the required minimum lot size determined therefrom, shall be submitted with any subdivision plat, in a report signed by the landowner, the qualified agent who performed the tests, and the Sewage Enforcement Officer. (Ord. 1981-1, 3/11/1981, §74)

§139. Minimum Lot Size Restricted. The minimum lot size which may be approved on any subdivision plat shall not be less than that indicated in a test report as required in §138. (Ord. 1981-1, 3/11/1981, §75)

§140. Sewage Facilities Officer's Report. The minimum lot size which may be approved on any subdivision plat shall not be less than that indicated as necessary for the public health in a report by the Sewage Enforcement Officer, prepared in consultation with the Pennsylvania Department of Environmental Protection or with the Soil Conservation Service, and indicating either that the slope of the land or the subsoil structure may create hazardous conditions resulting from surface runoff or subsurface drainage of septic tank effluents. (Ord. 1981-1, 3/11/1981, §76; as amended by A.O.

§141. Fees.

1. The Board of Supervisors shall prescribe, from time to time by resolution, such fees as shall be deemed necessary for the proper administration and enforcement of this Part.

2. The fees so prescribed shall be paid to the Township to defray the costs of administration, inspection and enforcement as provided by this Part and may include fees for subdivision site inspections, issuance of sewage facilities permits, review of sewage facilities planning modules and such other items as shall be deemed necessary by the Board of Supervisors.

(Ord. 1981-1, 3/11/1981, §81)

§142. Enforcement and Remedies.

1. Enforcement Notice.

A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.

(2) The location of the violation and, if applicable, the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Board of Supervisors within a period of ten (10) days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

2. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than one thousand dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to

have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

D. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1981-1, 3/11/1981; as amended by A.O.)

§143. Appeals to Board of Supervisors. Any person, corporation or other entity aggrieved by an action of the Sewage Enforcement Officer, by means of denial of a permit., disapproval of an installed system, or an issued order, may appeal to the Township's Board of Supervisors, within thirty (30) days after such an appeal within fifteen (15) days after receiving a written notice of appeal. At that time, the applicant may be represented by counsel and may present evidence as to why a permit should be issued or retained, or an installed system approved, or an order rescinded or changed. No transcript of testimony shall be required, but the applicant shall be notified in writing within seven (7) days after the hearing of the decision of the Supervisors and the reasons therefor. (Ord. 1981-1, 3/11/1981, §92)

§144. Further Appeals.

1. Any person, corporation or other entity aggrieved by the action of the Board of Supervisors on an appeal may, within thirty (30) days after such action, further appeal to the Secretary of Environmental Protection of the Commonwealth of Pennsylvania.

2. The Secretary of Environmental Protection, or his designee, shall hear the appeal in accordance with the provisions of the "Administrative Agency Law", P.L. 1388, Act of the General Assembly of Pennsylvania of June 4, 1945.

(Ord. 1981-1, 3/11/1981, §93; as amended by A.O.)

§145. Remedies Available. The provisions of this Part shall in no way restrict any remedies otherwise provided by law; and the Township or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this Chapter. (Ord. 1981-1, 3/11/1981, §94)

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