

**AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION OR EXPANSION OF ALL SEWAGE DISPOSAL SYSTEMS WITHIN THE LIMITS OF PEACH BOTTOM TOWNSHIP; AUTHORIZING THE ISSUANCE OF PERMITS; PROVIDING FOR PERMIT FEES; AND PROVIDING FOR VIOLATION THEREOF.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Peach Bottom Township; York County Pennsylvania as follows:

SECTION 1. It shall be unlawful for any person, firm, association, or corporation to erect, construct, install, alter or extend any sewage system of any kind within the limits of Peach Bottom Township or to have present on his property in Peach Bottom Township any sewage disposal system of any kind which has been erected, constructed, installed, altered or extended after January 1, 1971, without a permit having been issued pursuant to this ordinance permitting such erection, construction, installation, alteration or extension and unless all of the provisions of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto respecting the erection, construction, installation, alteration, extension, operation and maintenance of the sewage disposal system have been complied with, excepting that no permit shall be required for the alteration or repair of an individual on-lot sewage system if:

- (a) The system being altered or repaired existed on January 10, 1987; and
- (b) The system serves a residential structure occupied by not more than two (2) families, one of which is the owner of the property; and
- (c) The property on which the system is located is at least 10 acres in size; and
- (d) The owner of the property at the time of the alteration or repair is the same owner as on January 10, 1987

SECTION 2. It shall be unlawful for any person, firm, association or corporation to maintain or use any sewage disposal system of any kind so that vectors (insects and rodents capable of carrying disease) may have access to the excrementitious matter contained thereon or so that such sewage disposal directly or indirectly drains or discharges over or upon the surface of the ground or into any waters of the Township or to maintain or use any sewage system unless all approved parts and components of such system are present and functioning as designed. It shall also be unlawful for any person, firm, association or corporation to fail to comply with the requirements set forth in subparagraphs (a) and/or (b) of this paragraph.

- (a) In the event any sewage disposal system be in violation of this section of this ordinance, the owner of such system shall within two (2) days of the occurrence of such violation apply to the Sewage Enforcement Officer for a permit to repair or replace such system unless pursuant to Section 1 of this ordinance a permit for the required repair or alteration is not required, in which case the owner shall within ten (10) days repair the system, and within ten (10) days of being requested to do so, shall make such tests as the Sewage Enforcement Officer deems necessary to enable the Sewage Enforcement Officer to determine whether the sewage disposal system can be repaired and if so, how it can be

repaired or if it cannot be repaired whether it can be replaced and if so, how it can be replaced. The Sewage Enforcement Officer shall investigate the conditions and evaluate the tests made by the owner, and if the Sewage Enforcement Officer determines the system can be repaired, or alternatively be replaced, the Sewage Enforcement Officer shall issue a permit authorizing such repair or replacement and shall set forth on the permit or on an attachment thereto, the steps that the owner is to take to effect the repair and/or replacement of the system.

- (b) The owner shall within ten (10) days of the issuance of such permit, complete the repair and/or replacement of the sewage disposal system in accordance with the requirements set forth on the permit or on the attachment thereto unless the Sewage Enforcement Officer grants an extension of time in writing, in which event the repair and/or replacement shall be completed within the extended time. No work shall be covered until inspected by the Sewage Enforcement Officer.

SECTION 3. It shall be unlawful for any person, firm, association or corporation to occupy a building or structure or permit a building or structure to be occupied as a dwelling unless such building or structure is served by a sewage disposal system which is in compliance with all of the provisions of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto.

SECTION 4. Any person, firm, association or corporation owning a structure, the sewage needs of which are served by an on-site sewage disposal system, shall insure that within thirty (30) days following the pumping of any septic tank, the person, firm, association or corporation performing the pumping forwards to the Township Sewage Enforcement Officer a copy of the York County Solid Waste and Refuse Authority Septage Manifest and at the same time informs the Township Sewage Enforcement Officer whether any violations of Section 2 of this ordinance are observed during the pumping process.

SECTION 5. All application for permits shall be made to the Township Secretary, who shall refer such applications to the permit office or enforcement official designated by the Board of Supervisors of Peach Bottom Township, who shall evaluate the application's soil conditions to insure compliance with the "Pennsylvania Sewage Facilities Act" the regulations issued pursuant thereto and with this ordinance. The applicant shall dig such holes as may be required by the Sewage Enforcement Officer in order to conduct percolation tests and evaluate soil conditions. All percolation test and/or probe hole evaluations shall be performed by Peach bottom Township Sewage Enforcement Officer or someone specifically approved by him.

SECTION 6. Applications for permits shall be in writing, shall be signed by the applicant, and shall be on the standard form adopted by or prescribed by the Pennsylvania Department of Environmental Protection and/or by Peach Bottom Township. Any system for which a permit is granted shall be completed within three (3) years of the date of the granting of the permit.

SECTION 7. The fees to be paid at the time of application shall be established by resolution of the Board of Supervisors.

No fee shall be refunded to the applicant in the event a permit is not granted or in the event the evaluation of the percolation tests and/or analyses of probe hole causes the permit officer to reject the lot as a site for an on-site sewage disposal system. All tests required by any application not performed by the Township Sewage Permit Officer shall be performed by the applicant at his own expense in a manner satisfactory to the Township Sewage Permit Officer.

In the event a check paying any of the fees imposed by this section is dishonored, any permit or approval issued, the fees for which were in whole or in part covered by such check, shall be void and shall not be reinstated until the Township has received payment of all sums represented by such dishonored check in full, plus an additional administrative charge in an amount established by resolution of the Board of Supervisors.

SECTION 9. Any person, firm, association, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof before a District Magistrate be subject to a penalty in the amount of One Thousand Dollars ( \$1,000.00 ) for each and every offense. Each and every day that a violation of any provisions of this ordinance continues shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

SECTION 10. No person, firm, association, corporation which has been in violation of any of the provisions of this ordinance, shall subsequently be issued a permit to erect, construct, alter, or extend any sewage disposal system of any kind until the previous violation has been cured by the securing of a permit.

For purposes of the interpretation of this section, the person, firm, association, or corporation applying for a permit, hereinafter referred to as "Applicant" shall be considered the identical person, firm, association, or corporation as the one on violation, hereafter referred to as "Violator", if at least twenty (20%) percent of the ownership equity in both the "Applicant" and the "Violator" can be attributed to the same person, firm, association or corporation. For purposes of this section, a person, firm, association, or corporation shall have attributed to him:

- (a) All of the equity, stock, or partnership share owned by a corporation in which he and his spouse own at least fifty (50%) percent of all of the outstanding voting stock.
- (b) With respect to a corporation in which he and his spouse own less than fifty (50%) percent of the outstanding voting stock, the same percentage of the ownership equity, stock, or partnership share that the voting stock owned by him and his spouse bears to the entire outstanding voting stock of the corporation.
- (c) All of the equity, as tenants in common, joint tenants or tenants by the entireties, owned by him and his spouse.
- (d) All of the equity owned in partnership in which the value of the partnership shares owned by him and his spouse is a least fifty (50%) percent of the value of all of the partnership shares.

(e) With respect to a partnership in which the value of the partnership shares owned by him and his spouse is less than fifty (50%) percent of all the partnership shares, the same percentage of ownership equity which the value of the partnership shares owned by him and his spouse to the value of all the partnership shares.

For purposes of this section “he” shall be interpreted to refer to the masculine, the feminine, and the neuter.

SECTION 11. It shall be the burden of the “Applicant” to prove that the applicant is not the same person, firm, association, or corporation as the “Violator”

SECTION 12. If any section, subsection, paragraph, sentence, clause, or phase of this ordinance shall 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 severable.

SECTION 13. This ordinance shall be known as the “Peach Bottom Township Sewage Permit Ordinance”.

**ORDAINED AND ENACTED** by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania on the 2<sup>nd</sup> day of February, 2004.

ATTEST:

PEACH BOTTOM TOWNSHIP  
BOARD OF SUPERVISORS

Catherine M. Bilger  
Secretary

By: S. David Stewart  
Chairman

*Amended 3/4/2013*