

Approved
7-16-95

ORDINANCE NO. 1995-181

AN ORDINANCE OF THE TOWNSHIP OF LONGSWAMP,
COUNTY OF BERKS AND COMMONWEALTH OF
PENNSYLVANIA, PROVIDING FOR THE PERMITTING OF
ALL ON-LOT SEWAGE DISPOSAL SYSTEMS PROPOSED TO
BE INSTALLED ON ANY LOT IN LONGSWAMP 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, 1966, 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"; and

WHEREAS, Section 4 of said 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; and

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

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

LAW OFFICES O'PAKE, MALISNEE, ORWIG & PARISI, P.C.

systems irrespective of whether any such lot of ten acres or larger would otherwise qualify for an exemption under the permitting requirements of the Act; and

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Longswamp, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Short Title, Statutory Basis, Purpose.

(A) This Ordinance shall be known as the "Longswamp Township On-lot Sewage Disposal Permit Ordinance".

(B) 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)).

(C) The purpose of this Ordinance is to provide for, consistent with the terms and conditions of the Longswamp Township Zoning Ordinance and the Longswamp 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 2. Permit Requirement.

(A) 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.

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

(C) 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 Longswamp 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 3. Enforcement.

(A) 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.

(B) 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 4. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance, are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

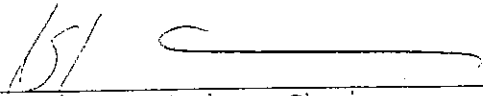
SECTION 5. Severability. The provisions of this Ordinance are severable, and if any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not effect or impair the remaining provisions or parts thereof of this Ordinance.

SECTION 6. Effective date. This Ordinance shall take effect five (5) days subsequent to its passage.

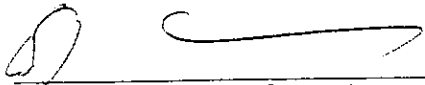
ORDAINED AND ENACTED as an Ordinance by the Board of

Supervisors of Longswamp Township, in lawful session duly assembled, this 11th day of July, 1995.

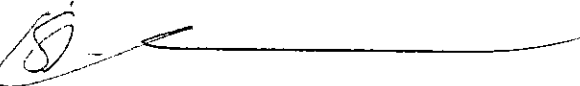
BOARD OF SUPERVISORS OF LONGSWAMP
TOWNSHIP, BERKS COUNTY, PA



Nevin M. Behm, Chairman



Russell W. Kulp, Supervisor



Donald C. Siegfried, Supervisor

LAW OFFICES O'PAKE, MALONEE, ORWIG & PARISI, P.C.

Attest:

Township Secretary