

APPENDIX H

Lykens Township On-Lot Sewage Disposal System Permit Ordinance

TOWNSHIP OF LYKENS

DAUPHIN COUNTY

COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 1-1996

AN ORDINANCE PROVIDING FOR THE PERMITTING OF ALL ON-LOT SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON ALL LOTS IN LYKENS 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, 1996, 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 the 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 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 Lykens, Dauphin County, Pennsylvania, 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 proposed to be installed on lots 10 acres or larger, irrespective of whether any such lot 10 acres or larger otherwise qualifies for an exemption from the permitting requirements of the Act; and

WHEREAS, the Township of Lykens desires that permits be required for the installation of on-lot sewage disposal systems on all lots 10 acres or larger, which lots otherwise qualify for an exemption from the permitting requirements of the Act;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Lykens Township, Dauphin County, Pennsylvania, as follows:

Section I. Short Title, Statutory Basis, Purpose

1. This Ordinance shall be known as the "Lykens Township On-Lot Sewage Disposal System Permit Ordinance".

2. 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)).

3. The purpose of this Ordinance is to provide for 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 II. Permit Requirement

1. From and after the effective date of this Ordinance, all persons proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 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.

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

Section III. Enforcement

1. 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. [Note - the penalties are not specified here because of the delayed effective date of the penalty provisions of the 1994 amendments to the Act. Those provisions become effective December 15, 1995. Thus, the incorporation by reference.]

2. 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 IV. Repealer

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section V. Severability

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions of this Ordinance which shall be deemed severable therefrom.

Section VI. Effective Date

This Ordinance shall immediately become effective upon its enactment.

ORDAINED and ENACTED into law by the Lykens Township Board of Supervisors this 25th day of September, 1996.

Attest:

BOARD OF SUPERVISORS

Jean M. Deppen
Secretary

(SEAL)

Ray J. Deppen
Chairman

E. Layton Sittler
Member

Albert N. Morgan
Member