

BERWICK TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 49

SEWAGE MANAGEMENT
PROGRAM ORDINANCE

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SEWAGE MANAGEMENT
PROGRAM
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SECTION 101 - TITLE AND PURPOSES

Pursuant to the protection of ground waters, surface waters and soils in Berwick Township, Adams County, Pennsylvania from contamination by untreated sewage wastes, and to protect the health of all citizens of the Township, the Berwick Township Supervisors has adopted and will enforce this Ordinance within those areas not served by public or central sewer systems. This Ordinance is intended to create an On-Lot Sewage System Management District. The purposes of this Ordinance are threefold:

- a) To bring and keep Berwick Township within the requirements of the Clean Streams Law, Act of 1937, P.L. 1987, No. 394 and the Pennsylvania Sewage Facilities Act of 1965 P.L. 1535, No. 537, as amended, known as Act 537. As mandated by Township Codes and these State laws, Townships have the power and the duty to provide for adequate sewage treatment facilities and for the protection of public health by preventing the discharge of untreated or inadequately treated sewage.
- b) Provide for inspection, pumping., maintenance and rehabilitation of private and public on-lot sewage disposal systems when determined necessary by the Berwick Township Supervisors; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.
- c) To guarantee provisions for environmentally sound disposal sites for treated and untreated solids and scum from septic tanks: holding tank wastes: and treated sewage sludge from wastewater treatment facilities.

SECTION 201 - DEFINITIONS

The following definitions shall apply for the various terms throughout this Ordinance:

- A) **"Absorption Area"** - A component of an individual or community sewage system where liquid from a treatment tank seeps into the soil: it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

- B) "Act" - The Pennsylvania Sewage Facilities Act (35 P.S. && 750.1750.20).**
- C) "Authorized Agent" - The Berwick Township Supervisors or Township employee, or consultant, designated to perform a specific task for the Berwick Township On-Lot Sewage System Management District. An authorized Agent designated to perform a certain duty, shall be familiar with that duty and competent to perform the duty. Depending on the duty, he may also need to be certified and licensed as a Sewage Enforcement Officer.**
- D) "Building Sewer"- Piping carrying liquid wastes from a building to the treatment tank or holding tank.**
- E) "Clean Streams Law" - The Clean Streams Law (35 P.S. && 691.1--691.1001).**
- F) "Department" - The Department of Environmental Protection of the Commonwealth of Pennsylvania.**
- G) "Holding Tank" - A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.**
- H) "Individual Sewage System" - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal.**
- 1) "Limiting Zone" - A soil horizon or condition in the soil profile or underlying strata which includes one of the following:**
- (i) A seasonal high-water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.**

A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.
- J) "Local Agency" - The Berwick Township Board of Supervisors.**
- K) "Lot" - A part of the subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which should not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot shall be**

deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

- L) "Official Plan" - A comprehensive plan for the provision of adequate sewage facilities, adopted by the Berwick Township Board of Supervisors possessing authority or jurisdiction over the provisions of the systems and submitted to, and approved by, the Department as provided by the Act, and this Ordinance.

- M) "**Official Plan Revision**" - A change in the municipality's official plan to provide for additional or newly identified or existing sewage facility's needs, which may include but not be limited to:
 - (i) Update Revision - A comprehensive revision to an existing official plan required when the Department or municipality determines the official plan or its parts is inadequate for the existing or future sewage facilities needs of a municipality or its residents or landowners.

 - (ii) Revision for new land development - A revision to a municipality's official plan resulting from a proposed subdivision as defined in the Act.

 - (iii) Special Study - A study, survey, investigation, inquiry, research, report or analysis which is directly related to an update revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.

- N) "**Person**" - An individual, association, public or private corporations for-profit or not-for-profit, partnership, firm, trust, estate, department board, bureau or agency o of the United States, Commonwealth, political subdivision, municipality, district, authority, or another legal entity which is recognized by law as the subject or rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for-profit or non-profit.

- O) "Privy" - A tank designed to receive sewage where water under pressure is not available.

- P) "**Rural Residence**" - A structure occupied or intended to be occupied by not more than two (2) families on a tract of ten (10) acres or more.

- Q) "Sewage" - A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and 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, or which constitutes pollution under the Clean Stream Law.

R) "Sewage Enforcement Officer" - The official of the local agency who issues permits, reviews permit applications and sewage facilities planning modules, and conducts investigations and inspections necessary to implement the Act and the regulations thereunder.

S) "Sewage Facilities" - A method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

a) "Individual Sewage System" - A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

(i) Individual On-Lot Sewage System - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.

Individual Sewerage System - an individual sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

b) "Community Sewage System" - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

(i) Community On-Lot Sewage System - A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into a subsurface soil absorption area or retaining tank.

Community Sewage System - A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

T) "**Sewage Management District Program**" - A program authorized by the official actions of the Berwick Township Board of Supervisors for the administration, management and regulation of the disposal of sewage.

- U) "Soil Horizon" - A layer of soil approximately parallel to the soil surface, the chemical and physical characteristics of which are distinguishable by observation or other method of analysis, from the chemical and physical characteristics in adjacent layers of soil.
- V) "**Soil Profile**" - The collection of soil horizons, including the natural organic layers on the surface.
- W) "Subdivision" - The division or re-division of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other division of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract remaining after other lots have been subdivided therefrom.
- X) "**Undisturbed Soil**" - Soil, or soil profile, unaltered by removal or other man-induced changes, except for agricultural activities, that would adversely affect the siting or operation of on lot systems.
- Y) "**Waters of This Commonwealth**" - Rivers, streams, creeks, rivulets, impoundment, ditches, water courses, storm sewers, lakes dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

SECTION 301 - APPLICABILITY

The provisions of this Ordinance shall apply to every person owning property serviced by an on-lot sewage system within Berwick Township; all persons or businesses servicing on-lot systems (constructing on-lot systems, pumping out septic tanks, repairing on-lot systems); wastewater treatment authorities and other generators of solid wastes that may be land applied for agricultural utilization or land reclamation; and owners of land application sites accepting sludge, septage, biosolids, or other solid wastes used in a beneficial way.

SECTION 401 - SEWAGE PERMIT REQUIREMENTS

- a) No person shall install, construct, or request bid proposals for construction or alter any individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications are in compliance with the provisions of the Pennsylvania Sewage Facilities Act ("Act 537") and the standards adopted pursuant to that Act. Application for permit shall be in writing to the local agency in accordance with the provisions of Section 8 of "Act 537" and shall be made in such form and shall include such data as the Department may prescribe.

- b) No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the Berwick Township Sewage Enforcement Officer ("SEO"). If seventy-two (72) hours have elapsed, except for Sundays and Holidays, since the SEO issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been refused by the SEO.
- c) Permits for individual sewage systems or community sewage systems shall not be issued unless the proposed system is consistent with the adopted Official Plan or approved revision thereto.
- d) The local agency may require applicants for sewage permits to notify the municipality's SEO of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the municipality's SEO at the cost of the applicant.
- e) No zoning, building, or occupancy permit shall be issued by Berwick Township or its authorized agent for a new building which will contain sewage facilities until a valid sewage permit has been obtained from the municipality's SEO, regardless of lot size.
- f) No zoning, building, or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structures, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure until the SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows and issue a sewage permit or written notification that such a permit is not required.
- g) Sewage permits are required regardless of lot size.
- h) Sewage permits may be issued only by a certified SEO employed by the municipality for that express purpose.
- 1) No final plan approval on a subdivision or land development (according to the Pennsylvania Municipalities Planning Code Act of 1968 PL 805 No. 247 as re-enacted and amended) may begin until Act 537 planning is approved by the municipality and the Department.

SECTION 501 - GROUND MARKERS

Any person who shall install new or rehabilitated sewage systems shall provide a marker or markers at ground level locating the septic tank, dosing tank, equalization (distribution) box, absorption area and other items which may be needed in case of future maintenance, inspection or rehabilitation is required. Requirements for marker types and locations will be determined by the sewage system designer and approved by the SEO.

Other requirements for sewage system construction, contained within Chapter 73 of the Pennsylvania Code, shall be followed as well.

SECTION 601 - REPLACEMENT AREAS

A) Requirement)

- 1) After the effective date of this Ordinance, a replacement area for an individual on-lot sewage system shall be required for all lots to be created. Lots existing prior to the effective date of this Ordinance shall be exempt from the requirements of this Section.
- 2) The replacement area provided shall comply with the regulations issued by the Department as incorporated into this Part concerning individual on-lot sewage systems, including isolation distances, and with terms of this Part and any other applicable municipal ordinances or resolutions.

B) Identification of Replacement Areas

- 1) Each applicant for an individual on-lot sewage system shall demonstrate to the satisfaction of the SEO, that a suitable area exists on each lot to be created for primary sewage system and for the Replacement Area. Allowance of open land for the Replacement Area without testing performed or observed by the SEO shall not constitute compliance with the requirements of this Section.
- 2) The location of the initial individual on-lot sewage system and the Replacement Area as confirmed by the SEO shall be identified on the plans and diagrams submitted as part of the permit application.
- 3) If the application has been submitted as a part of an application for subdivision, or land development approval or as part of a request that the municipality approve a Planning Module or amend its Official Plan, or a request for an exemption to the revision of **the** Official Plan, the location of each initial on-lot sewage system and each Replacement Area shall be noted upon the plans stating that no improvements shall be constructed thereon.
- 4) Any revisions to a permit or plan affecting a Replacement Area which has been approved pursuant to the provisions of this Ordinance shall be reviewed for approval by the local agency or its SEO.

C) Construction Restrictions

- 1) The easement for the Replacement Area noted upon the Plan and recorded with the County Recorder of Deeds shall state that no permanent or temporary

improvements of any character, other than shallow-rooted plant matter, shall be constructed on the Replacement Area.

- 2) This provision shall be enforced by the municipality unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate Replacement Area shall be identified, it may be considered to be the Replacement Area by this Ordinance and shall be designated as the Replacement Area shall thereafter be considered the Replacement Area for the purpose of this Ordinance.

SECTION 701 - INSPECTIONS

- a) Any on-lot sewage system may be inspected by the municipality's SEO at any reasonable time as of the effective date of this Ordinance.
- b) The inspection may include a physical tour of the property; the taking of samples from surface water wells, or other groundwater sources; the sampling of the contents of the sewage system itself and introduction of traceable substances into the interior plumbing of the structure served to ascertain the path and ultimate destination of the wastewater generated in the structure. This inspection shall be cleared with the property owner of record and current resident in writing. A copy of the inspection report shall be furnished to them which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank; date of inspection; name and address of the system owner; description and diagram of the location of the system including location of access hatches, risers, and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any systems malfunction observed; result of any and all soils and water tests; and any remedial action required.
- c) The municipality's SEO shall have the right to enter upon land for the purposes of inspection described above. In the event that access to inspect the property is denied, or if no responsible resident/owner over the age of eighteen is present and a serious health or safety risk is thought to exist, the following steps shall be taken:
 - 1) The matter will be officially presented in writing to the local agency.
 - 2) The local agency may schedule a review at the next scheduled meeting of the Berwick Township Board of Supervisors. If the situation threatens the health and safety of the residents of the municipality, the Board of Supervisors may commence an immediate procedure to obtain a search warrant from the District Justice.
 - 3) Upon receipt of a search warrant to inspect the property, the SEO of

the municipality shall be accompanied by an officer of the Pennsylvania State Police. An inspection shall be completed in accordance with this Subsection.

- d) A schedule of routine inspections may be established by the local agency, if necessary, to assure the proper functioning of the on-lot sewage systems in the municipality.
 - e) The municipality's SEO shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspection reveal that a system is malfunctioning, the local agency shall take the actions required to correct the malfunction.
- 1) There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a municipality sponsored revision to the Berwick Township's Official Plan. Mandatory repair or replacement of individual malfunctioning sewage disposal systems, within the study area, may be delayed at the discretion of the municipality's Official plan revision process. However, the municipality may compel immediate corrective action of a malfunction.

SECTION 801 - OPERATION

Only normal domestic wastewater shall be discharged into any on-lot sewage system. The following shall not be discharged into such system:

- A. Industrial wastes.
- B. Automobile oil and other non-domestic oil.
- C. Toxic or hazardous substances including but not limited to: pesticides, disinfectants, acids, paints, thinners, herbicides, gasoline and other solvents.
- D. Water including that from spouts, drains, springs and

pumps. SECTION 901 - MAINTENANCE

- a) Any person owning a building served by an on-lot sewage disposal shall have the septic tank pumped by a licensed Pumper/Hauler after the effective date of this Ordinance.
 - 1) Properties located in the 5 - 10-year service area: within one (1) year of effective date of this ordinance.
 - 2) Properties located in the 10-year service area: within two (2) years of effective date of this ordinance.

- 3) All other properties: within three (3) years of effective date of this ordinance. Thereafter, that person shall have the tank pumped out once every four (4) years. Receipts for pumping/hauling services received from the Pumper/Hauler shall be submitted to the Township and the Township's SEO.
- b) Removal of septage or other solids from treatment tanks shall be performed once every four (4) years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of 1/3 of liquid depth of the tank or filled with scum in excess of 1/3 the liquid depth of the tank. Any person providing a receipt, or other written evidence showing that their tank has been pumped within the past three (3) years, could request a postponement of their initial required pumping until the end of a two (2) year period following enactment of this Ordinance.
- c) The required pumping frequency may increase at the discretion of the SEO for the following reasons:
 - 1) If the septic tank is undersized;
 - 2) If solids buildup in the tank is above average;
 - 3) If the hydraulic load on the system increases significantly above average;
 - 4) If a garbage grinder is used in the building; or
 - 5) If the system malfunctions or for other good cause not shown (as determined by the SEO and approved by the Board of Supervisors).
- d) Each time a septic tank or other subsurface waste disposal system tank is pumped, the Municipality, its Authorized SEO, or a private septage Pumper/Hauler, whichever provides the service, shall submit to the owner of the on-lot sewage system, and the municipality, a signed Pumpers Report/Receipt containing at the minimum the following information:
 - 1) Date of pumping.
 - 2) Name and address of system owner.
 - 3) Address on-lot system, if different from owner's.
 - 4) Description and diagram of the location of the tank, including the location of any markers, risers, access hatches, and size of treatment tank(s).
 - 5) Condition of treatment tank baffles.
 - 6) Date the system was installed (estimate if necessary).

- 7) Date of last pump-out.
 - 8) List of any other maintenance performed.
 - 9) Any indications of systems malfunction observed.
 - 10) Amount of septage or other semi-solid or solid material removed.
 - 11) List of recommendations for repair or maintenance.
 - 12) Destination of the septage (name of facility, location of land application site).
A copy(s) of the Pumpers Report/Receipt must be received at the Municipal Office of Berwick Township and the Berwick Township SEO within thirty (30) days of the date of pumping.
- g) Any person owning a building served by a cesspool, dry well or pit privy shall have that system pumped once every three (3) years. If such a system serves a building which also uses un-monitored ground or surface water, it is recommended that the water supply be tested by a state certified laboratory on a regular basis. Buildings utilizing such a system that is not in compliance with Act 537 regulations, will replace or rehabilitate the non-conforming system with an acceptable system.
- h) The local agency may require additional maintenance activity as needed including but not necessarily limited to:
- 1) Cleaning and unclogging of piping;
 - 2) Servicing and the repair of mechanical equipment;
 - 3) Leveling of distribution boxes, tanks, and lines;
 - 4) Removal of obstructing roots or frees;
 - 5) The diversion of surface water away from the disposal area; or
 - 6) Other acceptable means to SEO and the Department.

SECTION 100.1 - SYSTEM REHABILITATION

- a) No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the Department and verified by the municipality.

- b) The local agency or its authorized agent shall issue a written notice of violation to any person who is the owner of a property in the municipality which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit.
- c) Within seven (7) days of notification by the Authority or Township that a malfunction has been identified, the Owner shall make application to the SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days upon receiving the notification by the authority or the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the municipality, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the municipality shall set an extended completion date.
- d) The SEO shall have the authority to require the repair of any malfunction by the following methods:
 - 1) Cleaning, repair or replacement of components of the existing system;
 - 2) Adding capacity or otherwise altering or replacing the existing systems treatment tank;
 - 3) Expanding the existing disposal area;
 - 4) Replacing the existing disposal area;
 - 5) Replacing a gravity distribution system with a pressurized system;
 - 6) Replacing the system with a holding tank; and
 - 7) Other alternatives as appropriate for the specific site or building.
- e) In lieu of, or in combination with, the remedies described above, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the building being served.
- f) In the event that the aforementioned rehabilitation measures are not feasible, or do not provide effective remedial operation, the local agency may require the Owner of the on-lot sewage system to apply for a permit to construct a holding tank(s) in accordance with the municipal ordinance or resolution dealing with use of holding tanks. Upon receipt of said permit, the Owner shall complete construction of the system within thirty (30) days.

g) Should none of the remedies described previously prove to be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the Owner is not absolved of responsibility for that malfunction. The local agency may require whatever action is necessary to lessen or mitigate the malfunction.

SECTION 110.1 - LIENS

The local agency, upon written notice from the SEO that an imminent health hazard exists due to failure to maintain, repair or replace an on-lot sewage system as provided under the terms of this Ordinance, shall have the authority to perform or contract to have performed, the work required by the SEO. The Owner of the on-lot sewage system shall be charged for the work performed and, if necessary, a lien shall be entered against this property therefore in accordance with law.

SECTION 120.1 - DISPOSAL OF SEPTAGE

- a) All septage Pumper/Haulers operating within the limits of Berwick Township shall be licensed with the local agency and shall comply with reporting requirements established by the Township.
- b) All septage originating within this sewage management district shall be disposed of at sites or facilities approved by the Department. Approved sites or facilities shall include the following:
 - 1) Septage treatment facilities;
 - 2) Wastewater treatment plants;
 - 3) Composting facilities; and
 - 4) Approved land application sites for agricultural utilization and disturbed land reclamation.
- e) Septage Pumper/Haulers operating within Berwick Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980.35 P.S. && 6018.101-6018.1003). If any Pumper/Hauler shall have been convicted of any violation of this Ordinance, the local agency shall have the power to suspend said Pumper/Hauler from operating within the Township.

SECTION 130.1 - ADMINISTRATION

- a) The local agency shall fully utilize those powers it possesses through enabling statutes, ordinances and resolutions to affect the purpose of this Ordinance.
- b) The local agency shall employ qualified individuals to carry out the provisions of

this Ordinance in accordance with the regulations contained in Chapter 72 of the Pennsylvania Code, Section 42. It may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.

- c) All permits, records, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage systems shall become the property of the local agency. Existing and future records shall be available for public inspection during required business hours at the official Berwick Township Supervisors' Office. All records pertaining to sewage permits, building permits, building permits, occupancy permits, and all other aspects of the Municipality's On-Lot Sewage Management District Program shall be made available, upon request, for inspection by a representative of the Department.
- d) The local agency shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- e) The local agency shall establish a fee schedule, and subsequently collect fees, to cover the cost to the municipality of administering this program.

SECTION 140.1 - APPEALS

- a) Appeals from decisions of the local agency's authorized agent, under this Ordinance, shall be made to the Berwick Township Board of Supervisors in writing within thirty (30) days from the date of the decision in question. All appeals shall be in accordance with Chapter 72, Sections 26, 27, and 28 of Title 25 of the Pennsylvania Code, which deal with denial, expiration, transfer or revocation of permits.
- b) The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled Board Meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- c) A decision by the Board of Supervisors shall be rendered in writing within forty-five (45) days, the release sought by the appellant shall be deemed granted.

SECTION 150.1 - FINES, CIVIL PENALTIES AND FEES

- a. Any person failing to comply with any provisions of this Ordinance shall be subject to action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and subject to fines not to exceed one thousand (\$1,000) dollars and imprisonment to the extent allowed by law for the punishment of summary offenses.

- b. In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this Ordinance, Berwick Township may impose fines, civil penalties and fees as provided by Act No. 149 (the Pennsylvania Sewage Facilities Act, 35 P.S. & 750, et. seq.) As may be amended from time to time.
- c. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist.

SECTION 160.1 - SEVERABILITY

The provisions of this Ordinance are severable and, if any of its provisions shall be held invalid or unconstitutional, the decision of the Court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this Ordinance would not have been adopted if such legal, invalid or unconstitutional provision had not been included herein.

SECTION 170.1 - REPEALER

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

SECTION 180.1 - EFFECTIVE DATE


This Ordinance shall be effective five (5) days after its adoption.

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Enacted and Ordained this 22nd day of March, 1999 by Berwick Township Supervisors in lawful session duly assembled.

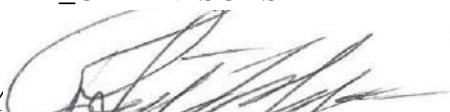
BY THE BERWICK TOWNSHIP
BOARD OF SUPERVISORS

Attest:



Secretary

BY



v/ Chairman