

ORDINANCE NO. 27

AN ORDINANCE PROVIDING FOR AND/OR REGULATIONS  
SANITARY SEWERS, PUMPING STATIONS, AND  
TREATMENT PLANTS IN CERTAIN SUBDIVISIONS  
AND LAND DEVELOPMENTS, AND PROVIDING FOR  
THE DESIGN, INSTALLATION, SUPERVISION, AND  
CONSTRUCTION OF THE SAME, AND APPROVAL AND  
INSPECTION OF THE SAME.

BE IT ENACTED AND ORDAINED by the Board of Supervisors  
of Berwick Township, Adams County, Pennsylvania, and it is  
hereby enacted and ordained by authority of the same as  
follows:

Section I. This Ordinance shall be known as the  
"Capped Sewer Ordinance."

Section 2. For the purpose of this Ordinance, the  
following terms shall have the meaning indicated:

- (a) "Developer": A person, or his authorized agent,  
for whom subdivision or land development plans are  
being, or have been, made.
- (b) "Land Development": The improvement of one or  
more contiguous lots, tracts, or parcels of land for  
any purpose involving (i) a group of two or more  
principal buildings, or (ii) the division or  
allocation of land between or among two or more  
existing or prospective occupants by means of, or for  
the purpose of, streets, common areas, leaseholds,  
building groups or other features; a division of land  
into lots for the purpose of conveying such lots  
singly or in groups to any person, partnership, or  
corporation for the purpose of the erection of  
buildings by such person, partnership, or corporation.
- (c) "Principal Building": A structure enclosed within

exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structures on a given lot.

(d) "Subdivision": The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building a lot development; provided, however, that the following shall not be considered subdivisions within the meaning of this Ordinance:

(i) The division of land for agricultural purposes into parcels of more than 10 acres not involving any new streets or easements of access;

(ii) The conveyance, sale, or transfer of land to an existing lot for the sole purpose of increasing the lot size of the lot to which the land is being added.

Section 3. Sanitary sewers shall be planned and constructed by the developer in all instances where sanitary sewer facilities for transporting sewage for treatment are available to which the developer can connect. If such facilities are not available, but the subdivision or land development is within the 5 or 10 year future growth/sewered areas as defined by the municipality's Official Sewage Facilities Plan, or will, in the opinion of the Board of Supervisors (hereinafter called the "Board"), become available within a reasonable time or, shall be requested by the appropriate governmental agency responsible for the planning development or regulation of community sewage systems, or is within 1000 feet of existing sanitary sewers, then sanitary sewers shall be installed by the developer and all termini shall be capped by him.

Section 4. The Sanitary- Engineer for the Board shall design, or approve design if formulated by others, and shall supervise and inspect construction of all sanitary sewers constructed by the developer in order to give assurance that said sewers will coordinate and have congruity with the Board's overall comprehensive sewer plans. All sewage pumping stations, interceptors and treatment plans to be installed by the developer shall be designed by (or approved by, if the design is formulated by others) the Board's Sanitary Engineer who shall also supervise and inspect construction thereof.

Section 5. Design, approval of design, supervision and inspection fees for services rendered on behalf of the developer by the Board's Sanitary Engineer shall be in accordance with fees set forth from time to time by the Board of Supervisors for such purpose.

Section 6. Any person, partnership, or corporation who or which shall violate a provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not exceeding Three Hundred 00/100 (\$300.00) Dollars and the costs of prosecution, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 7. In addition to the remedies provided in Section 6 above, any continued violations of this Ordinance which shall constitute a nuisance in fact or which shall, in the opinion of the Board, create a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

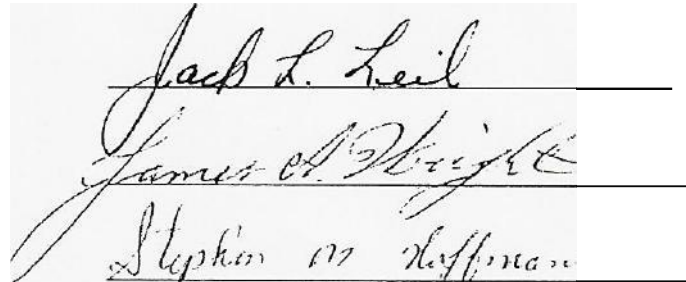
Section 8. If any section or subsection of this Ordinance shall be found to be invalid, the other sections or subsections of the Ordinance shall not be affected thereby.

Section 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 10. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 12th day of April  
1993.

BERWICK TOWNSHIP  
BOARD OF SUPERVISORS

  
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