

Upper Bern Township Ordinance Number ~~116A~~ 2012

An Ordinance of Upper Bern Township, Berks County, Pennsylvania, amending certain provisions contained within Ordinance 91-2007 and Ordinance 112-2011 relating to the requirements for mandatory pumping of on-lot sewage disposal systems as part of the On-Lot Sewage Management Program.

Whereas, on May 9, 2007, the Upper Bern Township Board of Supervisors duly adopted the On-Lot Sewage Management Ordinance via Upper Bern Township Ordinance 91-2007, which established provisions for a 3-year mandatory pumping schedule as part of its On-Lot Sewage Management Program.

Whereas, on September 14, 2011, the Upper Bern Township Board of Supervisors duly adopted an amendment to the On-Lot Sewage Management Ordinance via Upper Bern Township Ordinance 112-2011, which established provisions for a 5-year mandatory pumping schedule as part of its On-Lot Sewage Management Program.

Whereas, the Upper Bern Township Board of Supervisors have been notified by the Pennsylvania Department of Environmental Protection that a 3-year on-lot pumping schedule should be re-established in order to comply with Chapter 71, Section 71.73 (Sewage Management Programs) of Title 25 of the Pennsylvania Code and in order to implement the recommendations contained within the Upper Bern Township Sewage Facilities Plan.

Be it and it is hereby enacted and ordained by the Upper Bern Township Board of Supervisors, Berks County, Pennsylvania as follows:

Section 1: Section 7.D.(1) of the On-Lot Sewage Management Program, as referenced within Ordinance 91-2007 and Ordinance 112-2011 shall be amended and revised as follows:

Section 7.D.(1): The compliance years for the mandatory pumping of on-lot sewage disposal systems shall be conducted on three (3) cycles or intervals.

Section 2: Section 7.D of the On-Lot Sewage Management Program, as reference within Ordinance 91-2007 shall be amended in order to add the following provision.

Section 7.D.(7): The Board of Supervisors may consider a waiver of the mandatory pumping schedule specified by Section 7.D.1 of the On-Lot Sewage Management Ordinance to a landowner, provided that the landowner provides documentation that the following conditions exist: the size of the septic tank contains a capacity of 1,000 gallons or more; the total number of occupants would generate solids or scum less than one-third (1/3) of the liquid depth of the tank; the on-lot sewage disposal system was pumped under the previous cycle; and that the landowner has committed that the on-lot sewage disposal system be pumped on the next mandatory pumping cycle. All such waiver requests shall be considered by the Board of Supervisors at a public meeting after consulting with the Sewage Enforcement Officer. The granting of any waivers shall be at the sole discretion of the Board of Supervisors and the landowner shall be responsible for the continued use, monitoring and maintenance of their on-lot sewage disposal system.

Section 3: Ratification: All of the remaining provisions of the On-Lot Sewage Management Ordinance are hereby ratified and confirmed.

Section 4: Repealer: All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 5: Validity: If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 6: Effective Date: This Ordinance shall become effective within five (5) days after adoption.

Section 7: Municipal Enactment

Ordained and enacted this 9 day of May, 2012, by a vote of 3 Yes 0 No
0 Abstained 0 Absent.

Upper Bern Township Board of Supervisors

By: Rodney Soel
[Signature]
[Signature]

Attest:

[Signature]
Upper Bern Township Secretary