

ORDINANCE No. 144

AN ORDINANCE AMENDING THE ORDINANCE OF PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, KNOWN AS ORDINANCE No. 65, AS AMENDED, ENTITLED, "AN ORDINANCE OF PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, SUPPLEMENTING THE PENNSYLVANIA SEWAGE FACILITIES ACT AND FURTHER REGULATING SEWAGE DISPOSAL SYSTEMS IN PYMATUNING TOWNSHIP", BY CHANGING THE SCHEDULE OF FEES FOR THE EVALUATION, INSPECTION, AND REVIEW OF SEWAGE DISPOSAL SYSTEMS, AND REPEALING PYMATUNING TOWNSHIP'S ORDINANCE No. 125 AND No. 142.

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

SECTION 1.: That Ordinance Nos. 125 and 142 of the Township of Pymatuning, Mercer County, Pennsylvania, entitled "An Ordinance Amending the Ordinance of Pymatuning Township, Mercer County, Pennsylvania, known as Ordinance No. 65 and Ordinance No. 125, respectively, and entitled 'An Ordinance of Pymatuning Township, Mercer County, Pennsylvania, supplementing the Pennsylvania Sewage Facilities Act and further regulating the sewage disposal systems in Pymatuning Township' by changing the schedule fees for the evaluation, inspection and review of sewage disposal systems", and all other Ordinances or parts or Ordinances in conflict herewith are hereby repealed.

SECTION 2.: That Section II of Ordinance No. 65, be amended to read as follows:

SECTION 2: The following fee schedule shall apply with reference to the application process, on-site inspection, evaluation and review:

- I. Evaluate test pit, run and evaluate percolation test, final inspection and process application:
  - A. (1) From lot owner \$ 125.00
  - (2) From DER \$ 125.00
  - \$ 250.00 to Officer
  - B. If pit fails, lot owner is refunded \$25.00 of his original fee.
    - (1) From lot owner \$ 100.00
    - (2) From DER \$ 100.00
    - \$ 200.00 to Officer
  - C. If percolation test fails, there shall be no refund to lot owner of fees remitted.

- II. Permit, application preparation, and final inspection of previously tested and approved lots, provided, however, the following contingencies are satisfied, to-wit:
- (a) The lot(s) must be part of an approved subdivision;
  - (b) A permit can only be issued within two (2) years of the date of testing by the Sewage Enforcement Officer for Subdivision Planning;
  - (c) Previous testing must have been done by the current Pymatuning Township Sewage Enforcement Officers, Mourice G. Waltz, or David M. Waltz; and
  - (d) There must not be any change in site conditions since the previous subdivision planning testing, and no amends to Act 537 of the Sewage Facilities Act, or in the regulations or ordinances promulgated to implement Act 537, since time of the previous subdivision planning or testing.

(1)	From lot owner	\$ 50.00
(2)	From DER	<u>\$ 50.00</u>
		\$ 100.00 to Officer

III. Testing for Residential Subdivisions prior to approval of the Planning Module.

(1)	From lot owner	<u>\$ 200.00</u> per lot
		\$ 200.00 to Officer

IV. Testing for Commercial or Industrial Development prior to approval of the Planning Module.

(1)	From Developer - \$ 30.00/hour;
	\$200.00 minimum charge;
	\$ 30.00/hour; \$200.00 minimum charge to Officer

V. Testing for Commercial or Industrial Development.

(1)	From Developer	50% not less than \$100.00
(2)	From DER	<u>50% not less than \$100.00</u>
	To SEO	100% but not less than \$200.00

VI. Additional Inspections:

- A. Test Pit Evaluation or final inspection, excluding percolation test.

- (1) From lot owner \$ 30.00 per trip
- (2) From DER \$ 30.00 per trip
- \$ 60.00 per trip to Officer

B. Rerun of percolation test.

- (1) From lot owner \$ 75.00 per trip
- (2) From DER \$ 75.00 per trip
- \$ 150.00 per trip to Officer

VII. Review of Land Development Modules:

A. Residential Subdivision Fee.

- (1) From lot owner \$ 60.00 per lot
- \$ 60.00 per lot to Officer

B. Commercial or Industrial Development Fee.

- (1) From developer 100% of Cost, not less than \$100.00
- 100% of Cost, not less than \$100.00
- to Officer

VIII. Other Services: Investigation conducted upon request of the Pymatuning Township Board of Supervisors with regard to any legal action and preparation for legal action.

- A. From Municipality \$ 20.00/hour
- From DER \$ 20.00/hour
- \$ 40.00/hour to Officer

B. Other reimbursable expenses.

- From Municipality 50%
- From DER 50%

IX. No permit for construction shall be issued until all applicable fees have been paid by the property owner to the Township of Pymatuning, and further, all property owners are to provide labor, material, and equipment for preparing test pit, percolation holes and conducting percolation tests. The Sewage Enforcement Officer shall conduct the percolation test.

Section 3.: Nothing in this Ordinance or any existing Ordinances in Pymatuning Township, Mercer County, Pennsylvania, shall be construed to affect any suit or proceedings pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any Act or Ordinance hereby repealed as cited above in Section 1 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or effected by this Ordinance.

Section 4.: The provisions of this Ordinance shall be severable and if any of the provisions of this Ordinance shall be held to be unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

Section 5.: That in all other respects, Ordinance No. 65 of 1968, of the Township of Pymatuning, Mercer County, Pennsylvania, not inconsistent with or in conflict with the provisions of this Ordinance shall remain in effect and the same is hereby ratified and confirmed, as amended.

Section 6.: Gender and Number. As used in this Ordinance, whenever the context so indicates, the masculine, feminine or neuter gender, in their singular or plural number, shall each be deemed to include the other.

ENACTED AND ORDAINED into law this 11th day of May, 1989, by the Board of Supervisors of Pymatuning Township, Mercer County, Pennsylvania.

ATTEST:

PYMATUNING TOWNSHIP SUPERVISORS:

Joyce E. Leventry  
Joyce Leventry, Secretary

Jeffrey A. McKeath  
John A. ...  
John Schuchman