

## TOWNSHIP OF DISTRICT

Berks County, Pennsylvania

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ORDINANCE NO. 1997-1

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AN ORDINANCE TO AMEND THE DISTRICT TOWNSHIP SEWAGE FACILITY ORDINANCE, AS AMENDED, TO REVISE PENALTIES AND REMEDIES IN ACCORDANCE WITH ACT 172 OF 1996; AND TO PROVIDE A PROCEDURE FOR GRANTING RELIEF FROM THE REQUIREMENTS OF SECTION 14(g).

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of District, Berks County, Pennsylvania, as follows:

Section 1. The District Township Sewage Facility Ordinance, Ordinance No. 89-1, as previously amended, Section 14, shall be amended by inserting a new subsection (g.1) which shall provide as follows:

(g.1) If any lot held in single and separate ownership as of the effective date of this Ordinance No. 89-1 (February 19, 1989) shall not contain land suitable for a secondary or alternate site, the applicant for a permit under this Ordinance may request that the Board of Supervisors grant an exception to the requirement of providing a secondary or alternate site. Applicants for relief under this Subsection shall submit a written application setting forth the information required by this Section and shall include the application fee established by resolution or ordinance of the Board of Supervisors. No application shall be considered complete without the payment of the application fee. The applicant for such an exception shall present credible evidence in the application to the Board demonstrating (i) that the lot was held in single and separate ownership on the effective date of this Ordinance No. 89-1; (ii) the size of the lot; (iii) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (iv) the testing conducted to determine that the lot is not suitable to provide a secondary or alternate site. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Ordinance.

Section 2. The District Township Sewage Facility Ordinance, Ordinance No. 89-1, as previously amended, Section 15(b), shall be amended to provide as follows:

(b) For each violation of the provisions of this Ordinance, the owner, agent, lessee, or contractor or any other person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, together with the costs of prosecution. Each day or portion



thereof in which a violation exists shall be considered a separate violation of this Ordinance, and each Section of this Ordinance which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding thirty (30) days.

Section 3. All other sections, parts and provisions of the District Township Sewage Facility Ordinance, Ordinance No. 89-1, as amended, shall remain in full force as heretofore enacted and amended.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force five (5) days after enactment as provided by law.

DULY ORDAINED AND ENACTED this 11th day of February, 1997, by the Board of Supervisors of the Township of District, Berks County, Pennsylvania, in lawful session duly assembled.

Attest:

Eileen Darden  
(Assistant) Secretary

TOWNSHIP OF DISTRICT  
Berks County, Pennsylvania

By:

[Signature]  
(Vice) Chairman

Board of Supervisors

[TOWNSHIP SEAL]