

TOWNSHIP OF POCONO

Monroe County, Pennsylvania

ORDINANCE NO. 97

AN ORDINANCE IN THE TOWNSHIP OF POCONO, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 96, KNOWN AS THE "POCONO TOWNSHIP ON-LOT SEWAGE DISPOSAL SYSTEM MANAGEMENT ORDINANCE" TO ADD A TRANSITION PERIOD FOR THE APPLICABILITY OF ORDINANCE NO. 96; TO REVISE SECTION 4.A. TO CLARIFY THAT A SEWAGE PERMIT WILL NOT BE ISSUED UNLESS THE PROVISIONS OF ORDINANCE NO. 96 ARE ALSO COMPLIED WITH; TO REVISE SECTION 5 TO DELETE THE REQUIREMENT FOR A RECORDED ABSORPTION AREA AND REPLACEMENT ABSORPTION AREA EASEMENTS; TO REVISE SECTION 5 TO REVISE THE PROCEDURES FOR TERMINATING A DESIGNATED ABSORPTION AREA/REPLACEMENT ABSORPTION AREA AND SUBSTITUTING A NEW AREA; TO REVISE SECTION 5 TO REMOVE THE REQUIREMENT FOR A REPLACEMENT ABSORPTION AREA IN CERTAIN CIRCUMSTANCES WHEN A LOT OWNER ONLY DESIRES AN ADDITION OR ALTERATION TO AN EXISTING BUILDING; TO REVISE SECTION 17 TO DELETE SECTION 17.C.2.d) AND TO REDESIGNATE SECTION 17.C.2.e) AS 17.C.2.d).

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

Section I. The following is hereby added to the end of Section 3:

"Notwithstanding the foregoing, the provisions of this Ordinance shall not be applicable to on-lot sewage disposal system permit applications received by the Township and in process prior to the effective date of this Ordinance."

Section II. The phrase "this Ordinance," is hereby added to the fourth line Section 4.A. after the word "of" and before the word "the", with the result that Section 4.A. shall hereafter provide as follows:

"All on-lot sewage disposal systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, must obtain a permit from the sewage enforcement officer (SEO) which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of this Ordinance, the Clean Streams Law (35 P.S. § 691.1 *et seq.*) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts. No person shall install, construct or award a contract for construction, or alter, repair or connect to

an on-lot sewage disposal system or construct, or request bid proposals for construction, or install or occupy any building or structure for which an on-lot sewage disposal system is to be installed without first obtaining said permit.”

Section III. Section 5.C. is restated in its entirety to provide as follows:

“If the property with respect to which an on-site sewage disposal permit was issued does not have a designated replacement absorption as of the effective date of this Ordinance, and a lot owner applies only for an addition or alteration to a exiting building on the lot which does not involve any expansion of nor alterations to the existing on-site sewage disposal system, a replacement absorption area will not be required.”

5.D. Section IV. The word “easement” is hereby deleted from the second sentence of Section

Section V. Section 5.F. is restated in its entirety to provide as follows:

“The following shall apply with respect to designated absorption areas:

1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area.
2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area.
3. During any construction or other activities, the absorption area shall be adequately marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area.
4. The final cover or improvement to every absorption area shall be limited to shallow-rooted plant matter (grass).”

Section VI. Section 5.G. is restated in its entirety to provide as follows:

“1. A lot owner who desires to alter or terminate an absorption area must first establish, through a site evaluation by the SEO and with percolation test and soil probe results, that a substitute area suitable for the installation of an on-lot sewage disposal system exists. If the SEO concurs that the proposed substitute area is suitable for the installation of an on-lot sewage disposal system the lot owner shall submit an amendment to the sewage permit application/sewage permit on file with the Township with the information and in the format than required by the Township for new on-site sewage permit applications, together with the appropriate fee as established by resolution of the Board of Supervisors.

2. In the event there is a recorded plan which depicts the replacement absorption area and/or absorption area that is being terminated, the lot owner shall submit to the Township a revised plan of the lot which depicts both the replacement absorption area being terminated and the substitute replacement absorption area which plan shall meet the requirements of, and be reviewed and approved in accordance with, the requirements of the Township Subdivision and Land Development Ordinance.”

Section VII. Section 5.H. is restated in its entirety to provide as follows:

“Within 90 days of the approval of the plan required by Section 5.G.2. of this ordinance, if applicable, the lot owner shall record the same in the Monroe County Recorder of Deeds’ Office. Failure to do so shall result in said approval automatically becoming null and void.”

Section VIII. Section 5.I. is restated in its entirety to provide as follows:

“The lot owner shall provide a copy of the recorded plan (pursuant to Section 5.H. of this Ordinance) to the Township, and until receipt of the same, no sewage or building permits shall be issued which would permit land development in accordance with the change to the recorded absorption area.”

Section IX. Section 17.C.2.d) which provides:

“The inability of the Owner to acquire adjacent land suitable to be used for a Replacement Absorption Area; and”

is hereby deleted, and Section 17.C.2.e) is hereby redesignated Section 17.C.2.d).

Section X. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section XI. All other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency only and no further.

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

ORDAINED AND ENACTED into an Ordinance this 20th day of September, 2001.

BOARD OF SUPERVISORS OF POCONO TOWNSHIP

By: L. Patrick Ross
L. Patrick Ross, Chairman

By: Willard C. Anglemyer
Willard C. Anglemyer, Vice-Chairman

By: Jane Cilurso
Jane Cilurso, Supervisor

ATTEST:

Jane Cilurso
Township Secretary

(TOWNSHIP SEAL)