

**UPPER BERN TOWNSHIP  
BERKS COUNTY  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO.: 112 of 2011**

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY,  
PENNSYLVANIA, AMENDING ORDINANCE NO. 91 - 2007, THE UPPER BERN  
TOWNSHIP ON-LOT SEWAGE MANAGEMENT ORDINANCE, TO REQUIRE  
MANDATORY PUMPING OF ON-LOT SEWAGE DISPOSAL SYSTEMS IN FIVE (5)  
YEAR CYCLES UNDER THE ON LOT SEWAGE MANAGEMENT PROGRAM AND  
AMENDING CERTAIN ENFORCEMENT, PENALTY AND APPEAL PROCEDURES**

*WHEREAS*, on May 9, 2007, the Board of Supervisors of Upper Bern Township (the "Township") duly adopted and does maintain an On-Lot Sewage Management Ordinance identified as Upper Bern Township Ordinance No. 91-2007 ("On-Lot Sewage Management Ordinance"); and

*WHEREAS*, the Board of Supervisors of the Township believe it is in the best interest of the Township to amend certain provisions of the On-Lot Sewage Management Ordinance, as set forth more fully herein.

***NOW BE IT ENACTED AND ORDAINED***, by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, as follows:

**Section 1:** On-Lot Sewage Management Program. Section 7 of On-Lot Sewage Management Ordinance, On-Lot Sewage Management Program - shall be amended as follows:

(D)(1) The Compliance years for the mandatory pumping of on-lot sewage disposal systems shall be conducted in five (5) year cycles or intervals.

**Section 2:** Enforcement. Section 10 of the On-Lot Sewage Management Ordinance – Administration, Enforcement, Penalties and Appeals, is amended to add the following provision:

(G) When an eminent health hazard exists due the failure of a property owner to maintain, repair or replace an on-lot sewage disposal system, as provided under the terms of this Ordinance, the Township shall have the authority to perform or contract to have performed, the work required to abate the health hazard, pollution or nuisance. The property owner shall be charged for the work performed and if necessary, a lien shall be entered to recover such costs and penalty, together with reasonable attorneys fees incurred by the Township, under the provisions of the Municipal Claims Act. The Township reserves the right to pursue all other legal remedies in addition to the imposition of a lien under this Section.

**Section 3:** Ratification. All of the 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 five (5) days after adoption.

**ORDAINED AND ENACTED** this 14<sup>th</sup> day of September, 2011, by a vote of 3  
Yes 0 No — Abstained — Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: \_\_\_\_\_  
\_\_\_\_\_

Attest:

\_\_\_\_\_  
Imyee Klee  
Secretary

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