

TOWNSHIP OF ELDRED
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-07

AN ORDINANCE AMENDING THE ELDRED TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TOWNSHIP ORDINANCE #2014-02, AS AMENDED; ADDING REQUIREMENTS FOR AN ALTERNATE SEWAGE DISPOSAL AREA FOR RESIDENTIAL LOTS FOR ALL SUBDIVISIONS AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, Eldred Township, Monroe County, Pennsylvania, (the "Township") is a Pennsylvania second class township, organized and operating under the Pennsylvania Second Class Township Code ("Township Code"), 53 P.S. Sec. 65101, et seq.;

WHEREAS, pursuant to Sec. 1505 of the Township Code, 53 P.S. Sec. 66505, the corporate powers of the Township shall be exercised by the Township Board of Supervisors (the "Board");

WHEREAS, Section 1506 of the Township Code, 53 P.S. Section 66506, authorizes the Board of Supervisors to make and adopt any ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and the laws of this Commonwealth necessary for the proper management, care and control of the Township, and its finances and maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce and manufactures;

WHEREAS, Section 1516 of the Township Code, 53 P.S. 66516, entitled "Land Use Regulations," authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code";

WHEREAS, pursuant to such authority, the Township enacted on May 1, 2014, Township Ordinance #2014-02, commonly known as the Eldred Township Subdivision and Land Development Ordinance, (the "Subdivision Ordinance" of "SALDO");

WHEREAS, Section 505 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10505, entitled "Enactment of

Subdivision and Land Development Ordinance Amendments," sets forth provisions for the enactment of amendments to subdivision and land development ordinances pursuant to certain procedural formalities;

WHEREAS, the Board of Supervisors from time to time has reviewed the Subdivision and Land Development Ordinance, and amended the Ordinance, as the Board finds in the best of interests of the health, safety and welfare of Township residents;

WHEREAS, the Board finds that a requirement for an alternate sewage disposal area for subdivided residential lots is desirable, and consistent with good land use planning; and

WHEREAS, the Board finds that it would be beneficial, and consistent with good land use planning, to require that the logs of test pit evaluations and the results of the percolation tests accompany the submission of a subdivision plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

Section 1. Section 402.5, Preliminary Improvements Plan, Paragraph H, of the SALDO, is amended by adding the following sentence to the end of Paragraph H: "The logs of test pit evaluations and the results of the percolation tests shall accompany the submission of a subdivision plan."

Section 2. Section 404.2, Minor Subdivision Plan Information, Paragraph Y, of the SALDO, is amended and restated, in its entirety, as follows: "The logs of test pit evaluations and the results of the percolation tests shall accompany the submission of a subdivision plan."

Section 3. Section 611.5 On-Lot Sewage Disposal, Paragraph B., Site Suitability, is amended and restated in its entirety as follows:

B. Site Suitability

1. All residential lots in developments proposing the use of on-site sewage disposal shall contain

at least one (1) Primary and one (1) alternate area suitable for such a disposal system as tested by the Township SEO in accord with DEP requirements. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant place on the plan.

2. Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in the subdivisions proposing on-site sewage disposal contain suitable area for a primary and an alternate site as tested by the Township SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.
3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for soil-based system.

Section 4. 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

Section 5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Ordinance are the same as any provisions of the Subdivision and Land Development Ordinance, as

amended, in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

Section 6. This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania this 18th day of November, 2020.

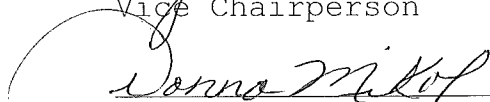
TOWNSHIP OF ELDRED
BOARD OF SUPERVISORS



Chairperson



Vice Chairperson



Supervisor



Township Secretary



(TOWNSHIP SEAL)