

ORDINANCE NO. 16-02

**ORDINANCE OF SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA  
REQUIRING THE OBTAINING OF AN INDIVIDUAL OR COMMUNITY SEWAGE  
DISPOSAL SYSTEM PERMIT FOR ALL REAL ESTATE IN TOWNSHIP AND  
ABOLISHING THE 10 ACRE EXEMPTION**

**WHEREAS**, Somerset Township has adopted a Building and Sewage Permit Ordinance, as amended, which requires in compliance with the law that individual sewage disposal system permits first be obtained for individual on-lot sewage disposal systems for residential or commercial structures occupied or intended to be occupied by the property owner(s);

**WHEREAS**, 35 P. S. Section 750.7, ("Act 149"), (known as "10 Acre Exemption") permits an exemption to the requirement of obtaining of individual sewage disposal permits for 10 acres or more of land if the owner of the property was the owner of record as of January 10, 1987 or the property owned or transferred ownership of a lot ten acres or more subdivided from the parent tract after January 10, 1987 to a member of the immediate family of the property owner unless the local municipality requires a sewage disposal permit by ordinance; and

**WHEREAS**, the Somerset Township Supervisors have determined, for the betterment and well being of the residents of the Township, that the subject "10 Acre Exemption" shall not be applicable in Somerset Township from the effective date of this Ordinance and any and all landowners shall first apply for and obtain a sewage disposal permit from the Township **before** the commencement of construction, erection, placement, addition or installation of any improvement to the realty in the Township.

**NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED AS FOLLOWS:**

1. Every person, corporation, limited liability company, partnership or other legal entity contemplating the construction, erection, placement, addition or installation of any improvement to the realty or individual sewage disposal system as defined by ordinance and/or law, shall **first** make and complete an application for an individual sewage disposal system permit to the Supervisors or their designated inspector, agent or sewage enforcement officer and must follow any and all requirements for such sewage disposal permits as required by law and/or by ordinance. The landowner shall not begin the construction, erection, placement, addition or installation of any improvement to the realty without first receiving and obtaining a sewage disposal system permit from the Township as required by law and/or ordinance. The application shall be accompanied by the current fees in force at the time of the application.
2. The Township (with proper written approval of any other governmental body required to approve the same, if any) will accept and acknowledge (when such submitted application meets all of the other guide lines and regulations then in effect for individual sewage disposal system or septic systems under the law of the 10-Acre Exemption) provided such application has been applied for to the Township **before** the effective date of this

Ordinance. All said "10-acre Exemption" applications so approved by the Township (including those approved but not completed by construction, erection, placement or installation) must and shall be fully installed and completed within one (1) year of the adoption of this Ordinance.

3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
4. This Ordinance shall become effective and legally binding five days of the enactment hereof.

**ORDAINED and ENACTED** by the Supervisors of the Township of Somerset this 10th day of March, 2016.

**Attest:**

James R. Yutzey  
Secretary

(SEAL)

**THE TOWNSHIP OF SOMERSET**

By: Dan J. J. Holman  
Supervisor

By: Lionel K. Miller  
Supervisor

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

**SECRETARY'S CERTIFICATE**


**TAMI L. YUTZY, Secretary for Supervisors of Somerset Township, Somerset County, Pennsylvania, a municipal corporation, does hereby certify that:**

1. She is the duly appointed, qualified and acting Secretary for the Supervisors of Somerset Township, and as such, the minute books, ordinances and resolutions, and other books of said Township are in her possession and custody.

2. The foregoing *Ordinance* is a true and correct *Ordinance* of **Somerset Township** duly and regularly adopted by the Supervisors of Somerset Township at their regular monthly meeting held on **March 10, 2016**, which meeting was at all times open to the public, due notice of which meeting was given as required by law, and at said meeting a quorum of the Supervisors was present and participating and did vote in majority for adoption of the *Ordinance*.

3. Further, said *Ordinance* was duly advertised according to law before the regular monthly meeting and was duly adopted after such proper advertisement and recorded in the *Ordinance Book* of the Township. Said *Ordinance* has not been modified or rescinded and is still in full force and effect.

ATTEST:



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**TAMI L. YUTZY, Secretary**  
**SOMERSET TOWNSHIP**

[SEAL]

Dated: March 10, 2016