

ORDINANCE NO. 76-9

AN ORDINANCE OF THE BOROUGH OF NEW BERLIN, UNION COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 74-2, DATED APRIL 1, 1974, PROVIDING THAT NO BUILDING PERMIT SHALL BE ISSUED WITHOUT FIRST OBTAINING AN APPROVED SEWAGE PERMIT; DEFINING THE TYPE OF SWIMMING POOL FOR WHICH A BUILDING PERMIT SHALL BE REQUIRED; DEFINING INDIVIDUAL AND COMMUNITY SEWAGE SYSTEMS; REQUIRING PROOF OF THE ISSUANCE OF A SEWAGE PERMIT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT; ESTABLISHING A TIME LIMIT FOR THE ISSUANCE OF A BUILDING PERMIT; AND REQUIRING THE CONSTRUCTION OF A FENCE AROUND ALL SWIMMING POOLS HAVING A CAPACITY OF FIVE THOUSAND (5,000) OR MORE GALLONS OF WATER.

Be it enacted and ordained by the Mayor and the Borough Council of the Borough of New Berlin, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Section 1 of Ordinance No. 74-2, dated April 1, 1974, is amended by the addition of a subsection C thereto to read in its entirety as follows:

"C. No person, partnership, business or corporation shall obtain an approved building permit from the Municipal Building Permit Officer for the construction, reconstruction, enlargement, alteration, or relocation of any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining an approved sewage permit from the Municipal Secretary."

Section 2. Subsection C of Section 2 of Ordinance No. 74-2, dated April 1, 1974, is amended to read in its entirety as follows:

"C. Structure - a combination of materials to form anything permanently affixed to or in the ground or to any other building or structure permanently affixed to or in the ground. Included shall be such things as driveways, carports, porches, swimming pools having a capacity of five thousand (5,000) or more gallons of water, etc."

Section 3. Section 2 of Ordinance No. 74-2, dated April 1, 1974, is amended by the addition of subsections D and E thereto to read in their entirety as follows:

"D. Community Sewage System - any system whether public or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial wastes from any or more of the lots or at any other place."

- E. Individual Sewage System - a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth or by means of conveyance to another site for final disposal."

Section 4. Section 4 of Ordinance No. 74-2, dated April 1, 1974, is amended to read in its entirety as follows:

- "A. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed construction, reconstruction, enlargement, alteration or relocation will be in conformance with all applicable local, county and state requirements, regulations and rules.
- B. The Building Permit Officer shall issue a building permit for the construction, reconstruction, enlargement, alteration or relocation of any building or structure for which an individual sewage system or community sewage system is to be installed only after the applicant exhibits an approved sewage permit.
- C. The Building Permit Officer shall approve or reject an application for issuance of a building permit within five (5) days of its receipt; otherwise, the application shall be deemed to have been approved by the Building Permit Officer, and a building permit shall automatically be issued.
- D. The issuance of a building permit for the construction of any swimming pool having a capacity of five thousand (5,000) or more gallons of water shall be subject to the construction of a solid and continuous fence which shall be a minimum of seven (7) feet in height. If such a fence is not constructed within five (5) days after the construction of the swimming pool and before any water is placed in the pool, the building permit shall be void, the applicant shall forfeit any and all fees previously paid for the building permit, and the applicant shall be subject to the penalties imposed under Section 4 of Ordinance No. 74-2, dated April 1, 1974, until such time as a fence is constructed and the applicant pays for the issuance of a new building permit."

Section 5. If any section, subsection, paragraph, subdivision, clause, provision, or requirement of this Ordinance shall be judged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, subsection, paragraph, subdivision, clause, provision, or requirement so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 6. All Ordinances or parts of ordinances inconsistent herewith are and the same are hereby repealed.

ENACTED AND ORDAINED as an Ordinance of the Borough of New Berlin, Union  
County, Pennsylvania, to be effective immediately, this 9<sup>th</sup> day of JUNE  
1976.

ATTEST:

BOROUGH OF NEW BERLIN

Lynda K. Frederick  
Lynda K. Frederick, Secretary

By Robert L. Wert  
Robert L. Wert, President

Approved this 9<sup>th</sup> day of JUNE, 1976.

John W. Knouse  
John W. Knouse, Mayor

1976

Amends

74-2

# Proof Of Publication

Commonwealth of Pennsylvania  
County of Union ss

Personally appeared before me,  
the undersigned, a Notary Public  
in and for said County and State,

William R. Roof

who being duly sworn according to  
law doth depose and say that he is  
the

editor

for the Union County Journal, a  
newspaper of general circulation  
published at Lewisburg, County of  
Union, Commonwealth of Pennsyl-  
vania, which was established in  
1830 and that a notice, copy of  
which is hereto attached, was  
published in said Journal on

that affiant is not interested in the  
subject matter of the attached  
notice of advertising, and avers  
that all of the allegations of the  
statement as to the time, place  
and character of the publication  
are true

Sworn and subscribed before me  
this 30<sup>th</sup> day of

July 1976.

*[Signature]*

NOTICE IS HEREBY GIVEN that  
the Borough Council of New Berlin,  
Union County, Pennsylvania, at their  
regular monthly meeting held June 9,  
1976, enacted into law New Berlin  
Borough Ordinance No. 76-9, to be  
effective as of June 14, 1976. The said  
Ordinance amends Ordinance No. 74-  
2, dated April 1, 1974, by providing  
that no building permit shall be issued  
without first obtaining an approved  
sewage permit; defining the type of  
swimming pool for which a building  
permit shall be required; defining  
individual and community sewage  
systems; requiring proof of the  
issuance of a Sewage permit prior to  
the issuance of a building permit;  
establishing a time limit for the  
issuance of a building permit; and  
requiring the construction of a fence  
around all swimming pools having a  
capacity of five thousand (5,000) or  
more gallons of water.

BETTY L. [Signature] Notary Public  
Millsboro, Delaware Co., Pa.  
My Commission Expires May 17, 1980