

AN ORDINANCE REGULATING THE TRANSFER OF DWELLING LOTS IN PEACH BOTTOM TOWNSHIP; REQUIRING THE PUMPING OF ON-SITE SEWAGE DISPOSAL SYSTEMS; PROVIDING FOR THE INSPECTION OF ON-SITE SEWAGE DISPOSAL SYSTEMS; AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania as follows:

SECTION I. DEFINITIONS:

A. Dwelling Lot – A lot, tract, or parcel of land containing one or more dwelling units or commercial or industrial structures.

B. Dwelling Unit – A building or structure containing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit.

C. Commercial or Industrial Structure – A structure designed for use as a place from which to manufacture, fabricate, work with, store or sell any items.

D. Title to Real Estate:

(1) Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, life estate or perpetual leasehold; or

(2) Any interest in real estate enduring for a fixed period of years but, which, either by reason of the length of the term of the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) days or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

(3) Any interest in real estate which will upon satisfaction of obligations contained in a certain agreement will entitle the purchaser to obtain an interest in the real estate described in subparagraphs (1) or (2) above provided possession is or is to be transferred pursuant to such agreement and prior to the completion of the obligations set forth in such agreement.

E. On-Site Sewage Disposal System – Any system of sewage disposal other than a public sewer system.

F. Public Sewer System – A municipal sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Resources.

G. Transfer – Any grant or conveyance of legal or equitable title to real estate, excepting, that all transactions excluded from real estate transfer taxes by reason of the provisions of Section 1102-C (3) of the Pennsylvania Realty Transfer Tax Law (72 P.S. &8102-C(3)) shall be excluded.

H. Real Estate Agent – Any “broker” or “sales person” as defined in the Real Estate Licensing Act. (63 P.S. &455.201) who receives a fee, commission, or other valuable consideration by reason of the transfer.

I. Settlement Agent – Any person, firm, or corporation including an attorney, title abstractor, or title company as defined in the Real Estate Settlement Procedures Act (12 U.S.C. &.2602), who performs settlement services as defined in the Real Estate Settlement Procedures Act (12 U.S.C. &.2602).

SECTION II. UNLAWFUL ACTS - It shall be unlawful for any person to transfer title to real estate upon which is located either a dwelling unit or a commercial or industrial structure, and it shall be unlawful for a real estate agent or settlement agent to receive any commission, fee or other compensation on account of such transfer unless within one hundred twenty (120) day period immediately preceding such transfer the Peach Bottom Township Sewage Enforcement Officer has executed a document certifying that within the thirty (30) days immediately preceding such certification he has verified that the on-site sewage disposal system serving the property being transferred has been pumped, and that such sewage disposal system was not on the date of his inspection, which must be within thirty (30) days of the date of his certification, malfunctioning so as to permit sewage effluent, gray water or other materials to flow to the surface of the ground or into the waters of the Commonwealth in violation of the provisions of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto and that all parts and components of the system are present and functioning as designed, or in the alternative a new sewage disposal system meeting current Pennsylvania and Township regulations has been installed or alternatively that this property being transferred is not supplied with water under pressure and any facility providing for the sewage needs of the property is in compliance with the Pennsylvania Sewage Facilities Act, the regulations issued pursuant thereto and with applicable Township Ordinances.

SECTION III. MALFUNCTIONS - In the event the inspection by the Sewage Enforcement Officer reveals any on-site sewage disposal system malfunctioning to the surface of

the ground or into the waters of the Commonwealth in violation of the previous section, prior to transferring the tract, parcel or lot of ground served by the malfunctioning sewage system, the owner thereof shall perform such tests as may be required, and shall follow all of the procedures and time schedules for repair or replacement of such system as are set forth in Section II of the Peach Bottom Township Sewage Permit Ordinance. In the event the inspection reveals that parts or components of the system are not present or not functioning as designed, prior to transferring the tract, parcel or lot of ground, the owners shall cause such repairs and/or replacements to be completed as are necessary to cause all parts and components of the system to be present and the system to function as designed.

SECTION IV. OBLIGATION OF PURCHASER OF LOT, TRACT OR PARCEL CONVEYED IN VIOLATION OF SECTION II - In the event a lot, tract or parcel shall be transferred in violation of the provisions of this Ordinance, the owner or owners thereof shall within ten (10) days of being notified of the illegal transfer cause the sewage disposal system serving such property to be pumped and cause the system to be inspected by the Township Sewage Enforcement Officer.

SECTION V. FEES – The owner of any lot, tract or parcel required to be inspected pursuant to the provisions of this Ordinance shall, prior to such inspection, pay to Peach Bottom Township an inspection fee in an amount as shall be established by resolution of the Board of Supervisors.

SECTION VI. PENALTIES - Any person, firm or corporation found to be in violation of any provision of this Ordinance shall be subject to a penalty in the amount of One Thousand (\$1,000.00) Dollars together with all court and related costs, and reasonable attorney fees incurred by the Township for each and every violation. Each day that a violation shall continue shall be deemed to constitute a separate offense If title to real estate is transferred without providing certification of the on-site sewage disposal system as required in Section II of this ordinance, a one-time, two (\$200) hundred dollar late fee will be charged. ~~Any transfer in violation of the requirements of this Ordinance may involve a violation by one or more real estate agents, one or more settlement agents, and or one or more sellers, each of whom shall be subject to a penalty in the amount of One Thousand (\$ 1,000.00) Dollars.~~ Any transfer in violation of the requirements of this Ordinance may involve a violation by one or more real estate agents, one or more settlement agents, and

one of more sellers, each of whom shall be subject to the penalty as set forth in this Section VI.

SECTION VII. TITLE - This Ordinance shall be known as the “Peach Bottom Township Sewage Inspection and Pumping Ordinance”.

ORDAINED AND ENACTED by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania on this _____ 3 _____ day of _____ August _____, 1998.
AMENDED this _____ 7 _____ day of _____ April _____, 2003.

ATTEST:

Amended March 4, 2013

Amended March 3, 2021