

**FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-01

**AN ORDINANCE OF FAWN GROVE BOROUGH, YORK COUNTY, PENNSYLVANIA
AMENDING THE FAWN GROVE BOROUGH SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of Fawn Grove Borough, York County, Pennsylvania, as follows:

SECTION 1. The Fawn Grove Borough Subdivision and Land Development Ordinance is hereby amended to require hydrogeological studies and testing for primary and replacement sewage systems for all new subdivisions proposing on-lot sewage systems. Specifically, the Subdivision and Land Development Ordinance shall be amended as follows:

Section 404.2 shall be removed in its entirety and replaced with the following:

The subdivider shall submit a Feasibility Report in duplicate concerning the availability and/or adaptability of water and sewer facilities in or near a proposed subdivision. Said report shall be prepared by a Registered Professional Engineer and be submitted in conjunction with the Preliminary Plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Protection.

The Feasibility Report shall consist of an examination of possible connection to an existing sewerage system and water supply system. The study shall include the distance from the nearest public sewer, and the capacity of the existing system to accommodate the proposed load.

If connection to an existing sewerage system is not deemed feasible, the possibility of constructing a separate sewerage system and treatment works shall be investigated. The study shall include the location of treatment facilities, receiving stream, type and degree of treatment and design capacity.

The Feasibility Report for all newly created lots or land development plans shall include a hydrogeological study prepared by a qualified or certified professional engineer, geologist, or hydrologist approved by the Borough. Hydrogeological studies shall consist of the following minimum considerations:

- a. A topographic map indicating the location of the site, any proposed on-site sewage disposal systems and wells. Narrative descriptions of the types of these systems shall also be furnished.
- b. A description of the geologic conditions on and around the site that would affect the groundwater recharge rate and the degree of groundwater renovation. Such conditions

can include, but need not be limited to, closed depressions, sinkholes, high water table conditions, springs, lineaments, faults, outcrops of bedrock, soil mottling, surface drainage into the ground, ghost lakes, and similar hydrogeological features. Groundwater impacts, including impact from on-lot septic systems, availability of groundwater, well interference, water quality, and yield availability shall be analyzed.

c. A map and narrative description of the area that will be impacted from the proposed use of on-lot sewage disposal systems. Such analysis will consider and identify the system's dispersion plumes and mixing zones, which shall be calculated from the surface topography and known geologic conditions. The analysis will then describe anticipated water quality/quantity impacts to areas located down gradient and/or along any geologic strike or fault. These anticipated impacts should also consider existing and potential land uses located within the affected area.

d. Should it be determined that the proposed use(s) would result in a degradation of surface or groundwater quality, or impair the potential use of nearby properties, the study shall identify the measures to be employed to eliminate these adverse impacts.

e. Results of background sampling for nitrate-nitrogen with a calculation of the minimum lot size(s) or groundwater recharge area(s) required to prevent the average groundwater nitrate-nitrogen concentration from rising above 10 mg/L upon development.

If either of the above methods of sewerage disposal are found to be feasible, formal application shall be made to the Commonwealth of Pennsylvania, Department of Environmental Protection and a permit obtained from the Department of Environmental Protection prior to the construction of sewers or treatment facilities.

In all cases where on-site sewage disposal systems are proposed, regardless of the number of lots in the proposed subdivision, the subdivider shall submit certification from the Fawn Grove Borough Sewage Enforcement Officer that the lots as designed are suitable for on-site sewage disposal by means of septic tanks.

The Borough Council will approve on-lot individual subsurface sewage disposal systems only when the feasibility report indicates:

- a. Justification of the project necessitates consideration of this method.
- b. The soil absorption is satisfactory for this type of system.
- c. Such systems will not endanger groundwater supplies below the level of the absorption system.
- d. The systems will not be installed in creviced rocks or limestone formations.

The soil tests called for above and below shall be performed in accordance with the "Pennsylvania Sewage Facilities Act" P.L. 1535 as amended and Title 25, Pennsylvania Code Chapter 73, "Standards for Sewage Disposal Facilities" and shall be performed by a person or firm experienced in conducting soil tests. The Borough Sewage Enforcement Officer shall conduct or observe the tests and certify the results of such tests.

Soil percolation tests shall be performed for all subdivision and land development plans utilizing on-site sanitary sewage disposal systems. Deep hole test probes are required as a further means of verifying suitability of a site.

Soil probe and percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection and the Sewage Enforcement Officer.

The results of the soil probe and percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided or developed and of the general area surrounding the tract. The lot layout in the preliminary and final plan shall be based on this analysis. The results of the tests conducted shall be provided to the Pennsylvania Department of Environmental Protection.

All newly created lots or land development plans shall provide testing for primary and replacement sewage system locations meeting all considerations of Title 25, Chapter 73. The acceptability of the system locations shall be subject to review and approval by the Borough Sewage Enforcement Officer.

The Borough Council will approve the use of individual on-lot water supply systems only when the water supply feasibility study indicates that:

- a. Justification of the project necessities consideration of this method.
- b. The water supply yield is adequate for the type of development proposed.
- c. The installation of such systems will not endanger or decrease groundwater supplies or adjacent properties.

The Borough Council may require certification of yield projections and groundwater supplies by the Borough Engineer.

The subdivider shall submit a Planning Module for Land Development in all cases to comply with the planning requirements of the Pennsylvania Sewage Facilities Act as amended. The Planning Module can be obtained from the Department of Environmental Protection.

SECTION 2. The last paragraph of Section 808a. of the Subdivision and Land Development Ordinance is amended to read as follows:

- Where there is no existing public water supply and the feasibility report indicates that a community water supply system is not feasible, each lot in the subdivision must be provided with an individual water supply system in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Protection and in accordance with all Borough Ordinances, Rules and Regulations but not limited to the Borough's Ordinances establishing siting and construction standards for new wells.

SECTION 3. The passage of this Ordinance amending in part Fawn Grove Borough's Subdivision and Land Development Ordinance shall in no way be deemed to invalidate or repeal any provisions of said Ordinance except as specifically provided herein.

SECTION 4. The provisions of this Ordinance shall be severable, and if any of the provisions or sections shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included herein.

SECTION 5. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ADOPTED AND ORDAINED this 7th day of June 2016.

ATTEST:

**FAWN GROVE
BOROUGH COUNCIL**

Cathy E. Kirkwood
Secretary

John M. Fadden
President

Approved this 7th day of June 2016.

By: Cathy Testerman
Mayor