

**SPRINGFIELD TOWNSHIP  
YORK COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2011- 04**

**AN ORDINANCE TO AMEND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO DEFINE “ON-LOT SEWAGE DISPOSAL SYSTEM” AND REQUIRE INDEMNITY AGREEMENTS FOR PUBLIC IMPROVEMENTS, AND TO AMEND THE ZONING ORDINANCE TO DEFINE “ON-LOT SEWAGE DISPOSAL SYSTEM”, TO ADD DIMENSIONAL MAXIMUM LOT SIZES IN THE CONSERVATION AND AGRICULTURAL DISTRICTS, TO SET FORTH REQUIREMENTS WHEN A DEFINED SEWAGE ABSORPTION FIELD IS REQUIRED IN THE CONSERVATION AND AGRICULTURAL DISTRICTS, ESTABLISHING A TIME LIMIT FOR THE REMOVAL OF STRUCTURES REPLACED BY NEW STRUCTURES.**

**WHEREAS**, Springfield Township (Township) is a municipality being a second class township duly organized under the laws of the Commonwealth of Pennsylvania; and,

**WHEREAS**, the Township has adopted, and from time to time, amended a Subdivision and Land Development Ordinance (“SALDO”) as permitted by the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, et seq.; and,

**WHEREAS**, the Township has adopted, and from time to time, amended a Zoning Ordinance (“ZO”) as permitted by the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, et seq.; and,

**WHEREAS**, the Township wishes to amend the SALDO and the ZO to define an On-Lot Sewage Disposal System and provide for Indemnity Agreements for public improvements and amend the ZO to provide maximum lot sizes in the Conservation and Agricultural Districts and to set certain requirements when delineated on-lot sewage system absorption fields are required, and establishing a time limit to remove structures that have been replaced by a new structure.

**NOW, THEREFORE**, be it ordained and enacted and it is hereby Ordained and Enacted as follows:

**SECTION 1:** The SALDO is amended in Section 202 thereof to delete the term/heading of “On-Lot Sanitary Sewer System” and in its place insert the term/heading of “On-Lot Sewage Disposal System” and to add, at the end of that definition, an additional sentence: “Any infiltration area which may be required by hydrogeologic or other study or additional area required by the Pennsylvania Department of Environmental Protection law, rule or regulation is not and shall not be part of the On-Lot Sewage Disposal System as used in this Ordinance.”

**SECTION 2:** Section 809 of the SALDO is amended in the title thereof to add after "THEREOF" and before "PREREQUISITE" the following:

**"...AND INDEMNITY AGREEMENT..."**

and at the end of paragraph one, the following additional sentence:

"Any public improvement which may be dedicated to the Township or any improvement that the Township shall be designated a permittee shall require the Developer or owner to execute an Indemnity Agreement to the Township, in a form acceptable to the Township Solicitor, and signed by the Developer and/or owner and unconditionally guaranteed by all principals, officers, members, shareholders, co-owners or like personnel of Developer or owner agreeing to indemnify and hold the Township harmless for any and all liability arising out of or as a result of the improvement or its subsequent use. No Final approval or permits shall be issued until such agreement(s) is/are executed, delivered and accepted by the Township."

**SECTION 3:** The ZO is amended in Section 201 thereof to delete the term/heading of "On-Lot Sanitary Sewer System" and in its place insert the term/heading of "On-Lot Sewage Disposal System" and to add, at the end of that definition, an additional sentence: "Any infiltration area which may be required by hydrogeologic or other study or additional area required by the Pennsylvania Department of Environmental Protection law, rule or regulation is not and shall not be part of the On-Lot Sewage Disposal System as used in this Ordinance."

**SECTION 4:** The ZO is amended by adding to Section 301 C. 1. the words "and Maximum" after the word "Minimum" and before the word "Lot" and adding a Section 301 C. 1. c) as follows: " c) Maximum lot area-Two (2) acres subject to Sections 301 D. 3. and 301 E. 4."

**SECTION 5:** The ZO is amended by adding to the end of Section 301 E. 4. The following:

"If as a result of any tests or studies required by the Pennsylvania Department of Environmental Protection ("DEP") or other governmental agency, the lot size necessary for a specified minimum area required for the absorption field for an on-lot sewage disposal system exceeds the maximum lot area allowed in this zoning district, then such additional lot area for the absorption field shall require the forfeiture of additional dwelling rights, being one dwelling right for every two acres or part thereof of the total additional area. The additional area for absorption field can be provided in any subdivision plan in either, but not a combination of both, of the following ways:

1. By increasing the lot size of any lot to at least the minimum area required for the absorption field, subject to the dwelling rights forfeiture, or,

2. If the applicant is unwilling to forfeit dwelling rights, then each such lot may be maintained at the maximum lot area with an easement provided for each lot for any additional minimum area required for the absorption field, subject to the following conditions:
  - a. The area of the absorption field easement shall be delineated on the subdivision plan creating the lot, and the plan shall note and explain the easement.
  - b. If the absorption field easement is located on a tract of land which is not owned by the person creating the lot, or if owned by the same person but is on a separate deed, both the parent tract of the subdivided lot and the tract on which the absorption field easement is shall be shown on and made part of the plan, and the owners of all tracts involved in the plan shall join in the plan by signature and consent.
  - c. Each lot shall have its own absorption field easement, which shall not overlap with any other absorption field easement.
  - d. A separate easement agreement in a form satisfactory to the Township Solicitor shall be prepared for each absorption field easement being created, which agreement shall be recorded in the York County Recorder of Deeds Office.
  - e. The deed for each newly created lot, the deed for the lot on which the absorption field easement is located, and each easement agreement shall identify the easement, refer to the subdivision plan and the easement agreement, including each recording location.
  - f. Any reduction, modification, elimination or termination of an absorption field easement agreement shall only be effective if the Township consents in writing by joinder in the document to effect the same prepared for and recorded in the York County Recorder of Deeds Office..
  - g. Any and all additional requirements of DEP for absorption field easements shall be met and the stricter requirements of this section or the DEP requirements shall be the minimal applicable requirements.

The forfeiture of dwelling rights pursuant to this section shall be absolute and irrevocable. In the event that the DEP reduces or eliminates its requirements for absorption fields in the future, the forfeitor shall not be entitled to return or reinstatement of any dwelling right units forfeited pursuant to this section. If the Township determines the reduction or elimination is appropriate and the easement is no longer legally required, the Township may concur in any agreement reducing or eliminating, in whole or in part, previously recorded absorption field easement agreements.“

**SECTION 6:** The ZO is amended by adding to Section 302 C. 1. the words “and Maximum” after the word “Minimum” and before the word “Lot” ; in Section 302 C. 1. a) by

adding the word "Minimum" before the word "Area"; and adding a Section 302 C. 1. d) as follows: " d) Maximum lot area-Two (2) acres subject to Sections 302 D. 1., 302 D. 3. and 302 E. 5."

**SECTION 7:** The ZO is amended by adding to the end of Section 302 E. 5. The following:

"If as a result of any tests or studies required by the Pennsylvania Department of Environmental Protection ("DEP") or other governmental agency, the lot size necessary for a specified minimum area required for the absorption field for an on-lot sewage disposal system exceeds the maximum lot area allowed in this zoning district, then such additional lot area for the absorption field shall require the forfeiture of additional dwelling rights, being one dwelling right for every two acres or part thereof of the total additional area. The additional area for absorption field can be provided in any subdivision plan in either, but not a combination of both, of the following ways:

1. By increasing the lot size of any lot to at least the minimum area required for the absorption field, subject to the dwelling rights forfeiture, or,
2. If the Applicant is unwilling to forfeit dwelling rights, then each such lot may be maintained at the maximum lot area with an easement provided for each lot for any additional minimum area required for the absorption field, subject to the following conditions:
  - a. The area of the absorption field easement shall be delineated on the subdivision plan creating the lot, and the plan shall note and explain the easement.
  - b. If the absorption field easement is located on a tract of land which is not owned by the person creating the lot, or if owned by the same person but is on a separate deed, both the parent tract of the subdivided lot and the tract on which the absorption field easement is shall be shown on and made part of the plan, and the owners of all tracts involved in the plan shall join in the plan by signature and consent.
  - c. Each lot shall have its own absorption field easement, which shall not overlap with any other absorption field easement.
  - d. A separate easement agreement in a form satisfactory to the Township Solicitor shall be prepared for each absorption field easement being created, which agreement shall be recorded in the York County Recorder of Deeds Office.
  - e. The deed for each newly created lot, the deed for the lot on which the absorption field easement is located, and each easement agreement shall identify the easement, refer to the subdivision plan and the easement agreement, including each recording location.

- f. Any reduction, modification, elimination or termination of an absorption field easement agreement shall only be effective if the Township consents in writing by joinder in the document to effect the same prepared for and recorded in the York County Recorder of Deeds Office..
- g. Any and all additional requirements of DEP for absorption field easements shall be met and the stricter requirements of this section or the DEP requirements shall be the minimal applicable requirements.

The forfeiture of dwelling rights pursuant to this section shall be absolute and irrevocable. In the event that the DEP reduces or eliminates its requirements for absorption fields in the future, the forfeitor shall not be entitled to return or reinstatement of any dwelling right units forfeited pursuant to this section. If the Township determines the reduction or elimination is appropriate and the easement is no longer legally required, the Township may concur in any agreement reducing or eliminating, in whole or in part, previously recorded absorption field easement agreements.“

**SECTION 8:** The ZO is amended by adding to Section 1302 a new subsection F as follows:

**“F. Removing Replaced Structures:** If the Certificate of Use and Occupancy is issued for a structure that replaces a structure existing when the zoning permit was issued, the applicant must demolish/raze and remove the existing structure that is replaced within six (6) months of the date of issue of the Certificate of Use and Occupancy.”

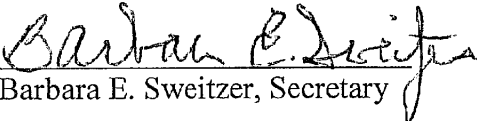
**SECTION 9:** If any section, subsection, sentence or clause of this Ordinance is held, for any reason to be invalid, such section(s) or subsection(s) shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 10:** This Ordinance shall be effective five (5) days after enactment.

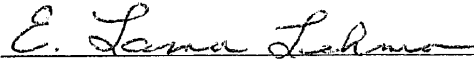
**(DATE OF ENACTMENT AND SIGNATURES FOLLOW)**


ORDAINED and ENACTED this 12<sup>th</sup> day of September, 2011.

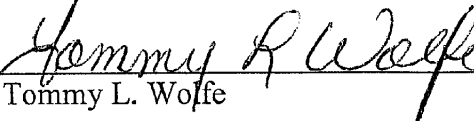
ATTEST:

  
Barbara E. Sweitzer, Secretary

SPRINGFIELD TOWNSHIP  
BOARD OF SUPERVISORS

  
E. Lamar Lehman, Chairman

  
A. Carville Foster, Vice Chairman

  
Tommy L. Wolfe