

ORDINANCE NO. 690

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INSPECTION, PUMPING, MAINTENANCE, OPERATION, REHABILITATION AND ADMINISTRATION OF ONLOT SEWAGE SYSTEMS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, Penn Township has an obligation to provide for and/or insure adequate sewage treatment and protection of the public health by preventing the discharge of untreated or inadequately treated sewage as mandated by municipal codes, the Clean Streams Law (35 P.S. §691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 et seq.).

WHEREAS, the Penn Township Act 537 Official Wastewater Facilities Plan has evaluated the need to provide adequate sewage facilities and has found the formation of an On-Lot Sewage Management Program to be an effective method of preventing and abating water pollution and hazards to the public health.

WHEREAS, the purpose of this Ordinance is to: (1) bring and keep the municipality compliant with the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394) and the Pennsylvania Sewage Facilities Act (Act of 1966 P.L. 1535, No. 537, as amended, known as Act 537);

(2) provide for inspection, pumping, maintenance, and rehabilitation of on-lot sewage disposal systems; (3) establish penalties and appeal procedures necessary for the proper administration of such a management program.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of Penn Township, York County, Pennsylvania, as follows:

Section 1. APPLICABILITY

From the effective date of this Ordinance, its provisions shall apply in all portions of Penn Township. The provisions of this Ordinance shall apply to all persons, and all other entities owning any property serviced by an on-lot or a community on-lot disposal system.

Section 2. DEFINITIONS

The following definitions are hereby incorporated into the Penn Township Ordinance of Definitions.

Act 537 - The Act of January 24, 1966, PL 1535, as amended, 35 P.S. §750.1 *et. seq.*, known as the Pennsylvania Sewage Facilities Act.

Board - The Board of Commissioners, Penn Township, York County, Pennsylvania

Code Enforcement Officer (CEO) - An authorized agent of the Township to administer and enforce Township Ordinances.

Sewage System Malfunction - The condition occurring when an on-lot system causes pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or is a hazard to public health. Any treatment tank or holding tank observed to be leaking, or any instance where sewage is backing up into a building connected to the system is considered a malfunction. [Any component in a treatment tank or septic system that is broken or deteriorated is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.] See §3c.

Manifest – York County Sludge/Septage Manifest and Report.

Pumping Certification - A properly executed York County Solid Waste and Refuse Authority Sludge/Septage Manifest.

Qualified Pumper/Hauler. Person or organization licensed by the York County Solid Waste Authority to conduct septage pumping and hauling within York County.

Sewage System Rehabilitation. Work done to modify, alter, repair, enlarge, or replace an existing on-lot disposal system, or component thereof.

Septage. - Any substance pumped out of a sewage system.

Any word or term not otherwise defined in this Ordinance shall have the meaning as set forth in Pa. Code, §73.1, as may be amended.

Section 3. INSPECTIONS

- A. An initial inspection and subsequent periodic inspections of a sewage system shall be conducted when a sewage system is pumped. Inspections shall be conducted by a Qualified Pumper/Hauler for the purpose of determining the functional status of a sewage system. The individual property or on-lot system owner shall contact and make arrangements directly with the Qualified Pumper/Hauler for the inspection of an on-lot sewage system.
- B. The Qualified Pumper/Hauler shall complete Sections A thru E of the York County Sludge/Septage Manifest and Report. The property or system owner shall provide a copy of the said report to the Township within thirty (30) days of the inspection.
- C. The Township shall inspect any sewage system known to be, or suspected to be malfunctioning. Should the Township inspection reveal that the sewage system is malfunctioning, the Township's authorized agent shall take action to require the correction of the malfunction.

(1) The Township may inspect any sewage system at any time upon reasonable notice to the property owner or occupant of the property. "Reasonable notice" shall mean at least 24 hours advance notice, either oral or written, except in cases of emergency where an imminent health hazard exists.

(2) The Township shall have the right to enter upon land for the purpose of inspections as described herein.

(3) Inspections by the Township may include a physical tour of the property, the taking of samples from surface water, wells or other ground water locations, the sampling of the contents of the sewage system itself and/or the introduction of a tracing substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

Section 4. MAINTENANCE

A. The Township shall provide written notification to all owners of property served by a sewage system that their system must be pumped by the end of the calendar year in which the letter is received. The Township shall follow a schedule whereby one fourth of all the owners of properties within the Township served by a sewage system are notified annually of the pumping requirement, such that all owners are notified once every four years. The notified property owner(s) must have the sewage system pumped within the time specified in the Township's letter, unless the owner(s) can provide the Township with Pumping Certification indicating that the sewage system was pumped in the one (1) year prior to the date of the Township's notice letter. A copy of the fully completed Manifest shall be furnished to the Township within thirty (30) days of the date of the pumping, as described in Section 3 above.

B. Commencing from the date of pumping as prescribed in subparagraph A. above, removal of septage or other solids from a sewage system shall be performed at least once every four (4) years thereafter. The property owner shall furnish a copy of the Pumping Certification to the Township within thirty (30) days of the date of the pumping.

C. The Township may allow a sewage system to be pumped out at less frequent intervals when the owner can demonstrate to the Township that the sewage system and/or uses thereof are unique and do not require pumping every four (4) years. In no case shall such period extend beyond eight (8) years. The Township SEO shall determine if an extension of time will be granted and the length of the extension. In making his determination, the Township SEO shall take into account the sewage permit issued for the installation or rehabilitation of the sewage system, reports of inspection and maintenance of the sewage system, use of the system, and other relevant information. The Township SEO shall conduct an on-site inspection. The number of years between pumping shall be determined from the Penn State Fact Sheet F-161 "Septic Tank Pumping" provided the inspection findings and all other information supporting this conclusion. The property or system owner shall apply and shall pay a fee established by Township Resolution for the review, analysis and determination of this request. The property or system owner applicant shall receive a decision within sixty (60) days of accumulation of all necessary information by the Township.

Section 5. OPERATION

A. Only sewage and normal domestic wastes shall be discharged into any sewage system. The following shall not be discharged into the system:

- (1) Industrial wastes;
- (2) Automobile oil and other non-domestic oil;
- (3) Fats and grease;
- (4) Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, herbicides, acids, paints (including latex or water based paints), paint thinners, gasoline, and other solvents; and
- (5) Clean surface or ground water, including spring water, water from roof or cellar drains, water from basement sump pumps, and water from French drains

B. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into a sewage system treatment tank.

Section 6. REHABILITATION

A. Any sewage system or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to the direction of the Township or its Authorized Agent to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with 25 Pa. Code Chapter 73, (Standards for Sewage Disposal System) and any other applicable rules and regulations of the Department of Environmental Protection. The Township Sewage Enforcement Officer shall inspect the rehabilitated sewage system and certify its compliance with local and state standards.

B. A Permit Exemption Declaration must be filed with the Township’s SEO a minimum of forty-eight (48) hours *prior to* any soil fracturing or use of the terralift procedure on a sewage system.

Section 7. IMMINENT HEALTH HAZARD; LIENS

When an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace a sewage system as provided under the terms of this Ordinance, the Township shall have the authority to perform, or contract to have performed, the work required to abate the health hazard, pollution, or nuisance. The property and/or system owner shall be charged for the work performed, and, if necessary, a lien shall be recorded in the property record in accordance with law. The Township reserves the right to pursue all other lawful remedies in addition to and not exclusive of any abatement and lien process.

Section 8. DISPOSAL OF SEPTAGE

A. All septage originating within the Township shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection for the acceptance of septage.

B. Only Qualified Pumpers/Haulers shall be utilized by any owner in the Township.

Section 9. ADMINISTRATION

A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.

B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees may include a Sewage Enforcement Officer, a Codes Enforcement Officer, a secretary, an administrator, or other persons, as required. The Township may also contract with other private qualified persons or firms as necessary to carry out the provisions of this Ordinance.

C. All permits, records, reports, files and other written material relating to the installation, operation, maintenance, and malfunction of a sewage system in the Township shall become the property of the Township. Existing and future records shall be available for public inspection during normal business hours at the official Township office. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the Township's sewage management program shall be made available, upon request. A fee for copying may be charged.

D. All reports, inspections, appraisals, certification or records required or produced by the Township, its officials, employees or agents, as required by this Ordinance, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

E. The Township may establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

F. The Township may establish a fee schedule and subsequently collect fees to cover the cost of administering the on-lot maintenance program. The fee schedule shall be adopted by resolution.

G. The discharge by the Township of its obligations as set forth in this Ordinance shall create no liability upon the Township, its officials, employees or agents.

Section 10. APPEALS

A. Appeals from decisions made under this Ordinance shall be made to the Board in writing within fifteen (15) days from the date of the Authorized Agent's decision in question.

B. The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the not regularly scheduled Board meeting. The Township shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township.

C. The Local Agency Law shall govern the procedures for an appeal pursuant to this Section.

Section 11. PENALTIES

Penalties for violations of this ordinance shall be those set forth in Section 101 of the Penn Township Code.

Section 12. CONTINUATION

The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance.

Section 13. RELATIONSHIP TO OTHER ORDINANCES

A. It is the intention of the Board of Commissioners that this Ordinance shall be incorporated as part of the Penn Township Code and shall be renumbered as appropriate.

Section 14. REPEALER

All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed.

Section 15. SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Penn Township that such remainder shall be and shall remain in full force and effect.

Section 16. EFFECTIVE DATE

This Ordinance shall become effective on April 21, 2008.


ENACTED AND ORDAINED this 21st day of April, 2008.

ATTEST:

**PENN TOWNSHIP
BOARD OF COMMISSIONERS**



Kristina J. Rodgers, Secretary



Michael L. Johnson, Jr., President