

## **Chapter 18**

### **Sewers and Sewage Disposal**

#### **Part 1**

##### **University Area Joint Authority**

###### **A. Definitions**

§18-101. Specific Definitions

###### **B. Use of Public Sewers Required**

§18-111. Improved Properties to be Connected to Accessible Sewer; Time Limit After Notice

§18-112. Sewage and Industrial Wastes from Improved Properties to be Conduct ed into Sewer

§18-113. Unlawful Deposit or Discharge of Sewage or Industrial Waste

§18-114. Sewage Receptacles Prohibited; Abandonment

§18-115. Receptacles not to be Connected to Sewer

§18-116. Notice to Connect

###### **C. Building Sewers and Connections**

§18-121. Separate Connection; Exception

§18-122. Cost Responsibility; Nonliability of Township

§18-123. Manner and Place of Connection

§18-124. Township May Make Connection at Expense of Property Owner

###### **D. Rules and Regulations Governing Building Sewers and Connections**

§18-131. Existing Sewer Line as Building Sewer

§18-132. Inspection

§18-133. Maintenance

§18-134. Guarding and Restoration of Excavations

§18-135. Failure to Remedy Unsatisfactory Condition

§18-136. Additional Rules and Regulations Authorized

§18-137. Regulation of Discharges into the Sewer System

###### **E. Enforcement; Purpose**

§18-141. Penalty for Violation

§18-142. Recovery of Fines and Costs

§18-143. Declaration of Purpose

#### **Part 2**

## **Individual Systems**

- §18-201. Short Title
- §18-202. Definitions
- §18-203. Permits
- §18-204. Inspections
- §18-205. Adoption of the Rules and Regulations of the Commonwealth of Pennsylvania, Department of Environmental Resources
- §18-206. Fees
- §18-207. Adoption of Installation and Construction Standards
- §18-208. Restraining Violations
- §18-209. Waiver
- §18-210. Penalties

### **Part 3**

#### **Holding Tanks and Privies**

- §18-301. Purposes
- §18-302. Definitions
- §18-303. Rights and Privileges Granted
- §18-304. Rules and Regulations
- §18-305. Rates and Charges
- §18-306. Exclusiveness of Rights and Privileges
- §18-307. Conditions of Privy Use
- §18-308. Duties and Responsibilities of Improved Property Owners
- §18-309. Abatement of Nuisances
- §18-310. Violations

### **Part 4**

#### **Community On-Lot Sewage Disposal Systems**

- §18-401. Purposes
- §18-402. Scope
- §18-403. Definitions
- §18-404. Rights, Privileges Granted
- §18-405. Rules and Regulations Applicable to COLDS Within Ferguson Township
- §18-406. Impositions of Rates and Charges
- §18-407. Exclusivity of Rights and Privileges
- §18-408. Applicability
- §18-409. Violations and Penalties

### **Part 5**

#### **Sewage Management Program**

|          |                                    |
|----------|------------------------------------|
| §18-501. | Short Title; Introduction; Purpose |
| §18-502. | Definitions                        |
| §18-503. | Applicability                      |
| §18-504. | Permit Requirements                |
| §18-505. | Replacement Areas                  |
| §18-506. | Inspections                        |
| §18-507. | Operation                          |
| §18-508. | Maintenance                        |
| §18-509. | System Rehabilitation              |
| §18-510. | Liens                              |
| §18-511. | Disposal of Septage                |
| §18-512. | Administration                     |
| §18-513. | Appeals                            |
| §18-514. | Penalties                          |



## Part 1

### University Area Joint Authority

#### A. Definitions

##### §18-101. Specific Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

*Authority* - University Area Joint Authority, a Pennsylvania municipality authority. [Ord. 726]

*Building Sewer* - the extension from the sewage drainage system of any structure to the lateral of a sewer.

*Improved Property* - any property located within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

*Industrial Wastes* - any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage, including such ground, surface or stormwater as may be present.

*Lateral* - that part of the sewage collection system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

*Owner* - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

*Person* - any individual, partnership, company, association, society, corporation or other group or entity.

*Sanitary Sewage* - normal water-carried household and toilet wastes from any improved property, including such ground, surface or stormwater as may be present.

*Sewer* - any pipe or conduit constituting a part of the sewage collection system, used or usable for sewage collection purposes.

*Sewage Collection System* - all facilities, as of any particular time, for collecting, pumping, transporting and/or disposing of sanitary sewage and/or industrial wastes, situate in or adjacent of this Township and owned, maintained and operated by the Authority.

*Township* - the Township of Ferguson, Centre County, Pennsylvania, a political subdivision, acting by the through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

(Ord. 32, 1/24/1968, Art. I, §1.01; as amended by Ord. 726, 4/5/1999, §3)



**B. Use of Public Sewers Required****§18-111. Improved Properties to be Connected to Accessible Sewer; Time Limit After Notice.**

The owner of any improved property which is located in this Township and is accessible to and whose principal building is within 150 feet of the sewage collection system, shall connect such improved property therewith, in such manner as this Township and the Authority may require, within 60 days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established by this Township or the Authority, from time to time.

(*Ord. 32, 1/24/1968, Art. II, §2.01*)

**§18-112. Sewage and Industrial Wastes from Improved Properties to be Conducted into Sewer.**

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §18-111, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority, from time to time.

(*Ord. 32, 1/24/1968, Art. II, §2.02*)

**§18-113. Unlawful Deposit or Discharge of Sewage or Industrial Waste.**

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of §18-1211.

2. No person shall discharge or permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of §18-111, except where suitable treatment has been provided which is satisfactory to this Township.

(*Ord. 32, 1/24/1968, Art. II, §2.03*)

**§18-114. Sewage Receptacles Prohibited; Abandonment.**

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which as been connected to a sewer or which shall be required under §18-111 to be connected to a sewer.

2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

(*Ord. 32, 1/24/1968, Art. II, §2.04*)

**§18-115. Receptacles not to be Connected to Sewer.**

No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

*(Ord. 32, 1/24/1968, Art. IV, §2.05)*

**§18-116. Notice to Connect.**

The notice by this Township to make a connection to a sewer, referred to in §18-111, shall consist of a copy of this Part, including any amendments at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Part specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

*(Ord. 32, 1/24/1968, Art. IV, §2.06)*

**C. Building Sewers and Connections.****§18-121. Separate Connection; Exception.**

Except as otherwise provided in this §18-121, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Township and the Authority, in writing, shall have been secured.

(*Ord. 32, 1/24/1968, Art. III, §3.01*)

**§18-122. Cost Responsibility; Nonliability of Township.**

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

(*Ord. 32, 1/24/1968, Art. III, §3.02*)

**§18-123. Manner and Place of Connection.**

A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

(*Ord. 32, 1/24/1968, Art. III, §3.03*)

**§18-124. Township May Make Connection at Expense of Property Owner.**

If the owner of any improved property located in this Township and accessible to and whose principal building is within 150 feet from the sewage collection system, after 60 days notice from the Township, in accordance with §18-121, shall fail to connect such improved property, as required, this Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township shall file a municipal lien for said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

(*Ord. 32, 1/24/1968, Art. III, §3.04*)



**D. Rules and Regulations Governing Building Sewers and Connections****§18-131. Existing Sewer Line as Building Sewer.**

Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.

(*Ord. 32, 1/24/1968, Art. IV, §4.01*)

**§18-132. Inspection.**

No building sewer shall be covered until it has been inspected and approved by this Township and the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

(*Ord. 32, 1/24/1968, Art. IV, §4.02*)

**§18-133. Maintenance.**

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

(*Ord. 32, 1/24/1968, Art. IV, §4.03*)

**§18-134. Guarding and Restoration of Excavations.**

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expenses of the owner of the improved property being connected, in a manner satisfactory to this Township.

(*Ord. 32, 1/24/1968, Art. IV, §4.04*)

**§18-135. Failure to Remedy Unsatisfactory Condition.**

If any person shall fail or refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewage collection system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and the Authority.

(*Ord. 32, 1/24/1968, Art. IV, §4.05*)

**§18-136. Additional Rules and Regulations Authorized.**

This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewage collection system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(*Ord. 32, 1/24/1968, Art. IV, §4.06*)

**§18-137. Regulation of Discharges into the Sewer System.**

1. *Effective Date.* This Section shall be known as the "Industrial Pretreatment Program (IPP) Ordinance," and the provisions hereof shall become effective upon the date of enactment hereof, and shall remain in effect thereafter unless the same be repealed.

2. *Prohibited Wastes and Pollutant Limitations.*

A. No person shall discharge, or cause or allow to be discharged, into the sewer system, directly or indirectly, any pollutant, wastewater or combination of wastewaters which will, alone or in conjunction with other discharges, cause or contribute to interference or pass through. To provide for the effective monitoring and control of discharges to the sewer system, the Industrial Pretreatment Program resolution adopted by the University Area Joint Authority on May 20, 1996, and being Resolution Number 96-1 of said Authority, and as it may be amended from time to time, is hereby incorporated, in its entirety, and made a part hereof.

B. Effective November 19, 2003, the University Area Joint Authority adopted a resolution, a copy of which is attached to this ordinance as Appendix A<sup>1</sup>,

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<sup>1</sup>Editor's Note: The Resolution adopted by the University Area Joint Authority on November 19, 2003, provides, in pertinent part:

"1. The list of wastewater constituents and limits attached to this resolution as Schedule 1, and titled "Local Limits for Industrial Waste Discharges" is hereby incorporated and made a part of this resolution.

2. The limits on Schedule 1 constitute the local limits authorized to be established by the ordinances and the resolution.

3. The local limits on Schedule 1 are hereby adopted and established as local limits regulating the discharge of industrial waste by industrial users contributing to the sewer system, as defined in the ordinances and resolution.

4. The local limits established as concentration limits may be modified on a case by case basis to account for dilution of the industrial waste within the collection system. Such modified limits shall not result in concentrations of the listed substances within the collection system of greater concentrations than the local limit. Such modified concentration limits may be called industrial discharge limits.

5. The local limits, and the industrial discharge limits derived from them, shall apply to all industrial users and shall be included in all wastewater discharge permits issued to industrial users. The local limits and the industrial discharge limits are enforceable under the provisions of the ordinances and the resolution and the discharge to the sewer system of the industrial waste that exceeds any local limit or industrial discharge limit shall be deemed by the Authority to be a violation of the provisions of the applicable ordinance or resolution.

6. The local limits hereby established shall remain in effect until such time as the authority revises them by resolution."

supplementing Resolution Number 96-001 of May 20, 1996, cited in subsection .2.A. above. The November 2003 UAJA Resolution regulates local limits for industrial waste discharges through revisions to existing limits and the establishment of limits for additional pollutants and authorizes the enforcement of such limits and the inclusion of local limits in wastewater discharge permits, and is hereby incorporated in its entirety and made a part hereof. [Ord. 830]

C. The terms and definitions used in this Section are defined as they appear in the Industrial Pretreatment Program Resolution. [Ord. 830]

3. *Fees.* It is the purpose of this Section to provide for the recovery of costs from industrial users of the sewer system for the implementation of the industrial pretreatment program established herein. The University Area Joint Authority may establish a system of rates and charges for implementation of the industrial pretreatment program authorized and adopted by this Section, which shall be applicable to users in the Township.

4. *Penalties.*

A. Any person who violates any provisions of this Section, or the orders, rules, regulations and permits issued hereunder, may be subject to a civil

University Area Joint Authority Industrial Pretreatment Program

Schedule 1

Local Limits for Industrial Discharges

| <b>Pollutant</b>    | <b>Proposed Local Limit<br/>(mg/l)</b> | <b>Basis of Limit</b> |
|---------------------|--|-----------------------|
| Arsenic             | 2.43                                   | Inhibition            |
| Cadmium             | 0.11                                   | WQ                    |
| Copper              | 3.63                                   | WQ                    |
| Cyanide             | 0.35                                   | WQ                    |
| Hexavalent Chromium | 0.53                                   | WQ                    |
| Lead                | 0.31                                   | WQ                    |
| Mercury             | Not Detectable (<0.0001)               | WQ                    |
| Molybdenum          | 0.90                                   | Sludge                |
| Nickel              | 3.59                                   | Sludge                |
| Selenium            | 0.62                                   | Sludge                |
| Silver              | 4.1                                    | Inhibition            |
| Thallium            | 0.19                                   | WQ                    |
| Zinc                | 2.05                                   | Inhibition            |

monetary penalty pursuant to applicable law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township may recover reasonable attorney's fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Section or the orders, rules, regulations and permits issued hereunder. Except for a violation which has been subject to a civil or criminal penalty by the Township, nothing shall be deemed to preclude the University Area Joint Authority from commencing an action seeking a penalty of up to \$25,000 per day for each violation, pursuant to the Publicly Owned Works Penalty Law, Pennsylvania Act 9 of 1992, P.L. 32 (35 P.S. §752.1 *et seq.*).

B. In addition to any applicable civil or criminal penalty, the user is liable for:

(1) All damage which its discharge causes to the sewer system or University Area Joint Authority sewage treatment plant if that damage is caused, in whole or in part, by the user's violation of its wastewater discharge permit or any applicable law, ordinance, resolution, regulation, rule or pretreatment requirement established by the Township or the University Area Joint Authority.

(2) Any penalty imposed upon the Township or the University Area Joint Authority (whether by judicial or administrative order or the settlement of a judicial or administrative penalty action) where the liability of the Township or University Area Joint Authority was caused by the user either alone or in conjunction with discharge(s) from other source(s).

5. *Remedies not Exclusive.* The enumeration of remedies in subsection 4. of this Section and in the University Area Joint Authority Resolution does not restrict their application and shall not be deemed to preclude any other Township remedies, enforcement responses or other causes of action, including those available under common law. Nothing in this Section, any enforcement response plan or any provision of the University Area Joint Authority's approved industrial pretreatment program shall be intended to limit the enforcement discretion of the Township or the University Area Joint Authority to enforce this Section and the industrial pretreatment program and their provisions as otherwise provided for by law.

6. *Adoption of Additional Rules and Regulations.* The Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in conjunction with use and operation of the sewage collection system, which rules and regulations shall be, shall become and shall be construed as part of this Section.

7. *Appointment of Agent.* The Township appoints the University Area Joint Authority as its agent in all aspects for the administration and enforcement of this Section and the industrial pretreatment program established herein, to the extent permitted by law. The administrative and enforcement powers granted to the University Area Joint Authority include, but are not limited to, the following:

A. Local limits on the control of discharge of pollutants may be developed, enforced and revised from time to time by the University Area Joint Authority.

B. Wastewater discharge permits or other permits for the discharge of wastes

to the sewer system shall be issued or denied, and may be suspended or revoked, by the University Area Joint Authority. Conditions contained in wastewater discharge permits and other permits may be developed by the University Area Joint Authority.

C. Hearings provided for by this Section, including those established by the University Area Joint Authority Pretreatment Program Resolution, shall be held by the University Area Joint Authority Board or its delegates as provided by the Industrial Pretreatment Program Resolution.

D. Written directions and notices of violation may be issued by the University Area Joint Authority acting for and in the name of the Township.

E. Special agreements and/or waivers of industrial pretreatment program requirements may be made by the University Area Joint Authority acting in the name of and after written approval from the Township.

F. The University Area Joint Authority shall have the right under this Section, as agent for the Township, to commence legal action to enforce the provisions of this Section.

G. Proper records retention, including the protection of confidential information, as required by the industrial pretreatment program, is the responsibility of the University Area Joint Authority.

(*Ord. 32, 1/24/1968; as added by Ord. 655, 6/3/1996, §§1-7; as amended by Ord. 830, 11/-/2003, §§1, 2*)



**E. Enforcement; Purpose****§18-141. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that violation of this Part continues shall constitute a separate offense.

(*Ord. 32, 1/24/1968, Art. V, §5.01; as amended by Ord. 83, 4/13/1976, §1; and by Ord. 374, 1/10/1989*)

**§18-142. Recovery of Fines and Costs.**

Fines and costs imposed under this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

(*Ord. 32, 1/24/1968, Art. V, §5.02*)

**§18-143. Declaration of Purpose.**

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(*Ord. 32, 1/24/1968, Art. VIII, §8.01*)



## Part 2

### Individual Systems

#### §18-201. Short Title.

This Part shall be known and may be cited as the "Ferguson Township Ordinance Implementing Pennsylvania Sewage Facilities Act."

(*Ord. 31,1/2/1968, §1*)

#### §18-202. Definitions.

The definitions as set forth in §2 of the Pennsylvania Sewage Facilities Act, being the Act of January 24, 1966, P.L. 1535, are incorporated herein by reference. In addition to the definitions as set forth in the Act, the following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

*Approving Body* - Ferguson Township, Centre County, Pennsylvania.

*Township* - the Township of Ferguson, Centre County, Pennsylvania.

*Act* - the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535, as amended.

(*Ord. 31,1/2/1968, §2*)

#### §18-203. Permits.

1. In accordance with §7 of the Act, no person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed within the Township, without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of this Part, the Act and the standards, rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Environmental Protection, Pennsylvania Code, Title 25, Chapters 71 and 73, as amended. No permit shall be required in those cases where a permit from the Sanitary Water Board or the Secretary of the Department of Environmental Protection has been obtained, or where the Department determines that such permit is not necessary for the protection of the public health. Notwithstanding the foregoing, all persons shall be required to comply with the provisions of the Act and the rules and regulations in connection with making application for and securing a proper permit for the installation of any onlot sewage disposal system as provided for under the Act, or under the rules and regulations, regardless of the size of the tract of land upon which said person desires to construct such system. [*Ord. 820*]

2. Applications for a permit shall be in writing to the Secretary of the Township, or authorized agent, and shall be made on a formal application blank which shall be furnished by the Secretary or authorized agent of the Township and each application shall include such data as shall be prescribed by the technical standards adopted by the Commonwealth of Pennsylvania, Department of Environmental Protection. [*Ord. 820*]

3. Issuance of permits shall be in accordance with §7 of the Act and all of the provisions of §7 of the Act are incorporated herein by reference except as provided in

subsection 1. above.

4. If a structure associated with an onlot sewage disposal system is unused for a period of 1 calendar year or greater, a permit must be obtained from the Township's Sewage Enforcement Officer before any structure associated with said system may be reoccupied. [Ord. 660]

5. Upon receipt of a completed application, the Township Sewage Enforcement Officer shall complete any necessary soil testing within 20 calendar days. The following days shall not be counted in this 20 day time frame:

A. Days when the Township Sewage Enforcement Officer determines that the air temperature is below 40° Fahrenheit.

B. Days when the Township Sewage Enforcement Officer makes a determination that adverse or inclement weather will not allow proper testing to occur.

C. Days when the Township Sewage Enforcement Officer determines that saturated or frozen soil will adversely impact testing.

D. Weekends and official holidays recognized by the Township's Sewage Enforcement Officer.

[Ord. 660]

(Ord. 31, 1/2/1968, §3; as amended by Ord. 82, 4/13/1976, §§1-2; by Ord. 289, 2/12/1985, §§1-2; and by Ord. 660, 11/18/1996, §1; as amended by Ord. 820, 12/8/2003)

#### **§18-204. Inspections.**

Inspections of applications and the site and the installation itself shall be in accordance with the provisions of §7 of the Act. The Township Supervisors shall from time to time designate and appoint an inspector who shall carry out the inspections in accordance with this Part, with §7 of the Act and also with the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection, which are incorporated herein.

(Ord. 31, 1/2/1968, §4; as amended by Ord. 82, 4/13/1976, §1; as amended by Ord. 820, 12/8/2003)

#### **§18-205. Adoption of the Rules and Regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection.**

This Township hereby enacts and ordains, and adopts as part of this Part, the Rules and Regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection, Pennsylvania Code, Title 25, Chapters 71 and 73, as amended. All such rules, regulations and standards are incorporated in this Part by reference. Copies of these regulations shall be supplied with the application for a permit.

(Ord. 31, 1/2/1968, §5; as amended by Ord. 82, 4/13/1976, §3; as amended by Ord. 820, 12/8/2003)

#### **§18-206. Fees.**

1. *Permit Fees.* The applicant shall pay a fee in an amount as established from time to time by resolution of the Board of Supervisors to be set by resolution of the

Board of Supervisors, which fee shall be made payable to the Township and shall cover the ordinary administration of this Part, including inspection of the premises required for permit issuance by the inspector.

2. *Additional Inspections and Tests.* In the event the Township deems it necessary to make additional inspections or to make additional percolation tests or any other tests as required to be made by the applicant under the Act and the regulations of the Department of Environmental Protection, the applicant shall pay to the Township the actual cost of such additional inspections or such percolation tests or other tests made by the Township, which shall be paid to the Township prior to the issuance of the permit.

(*Ord. 31,1/2/1968, §6; as amended by Ord. 82, 4/13/1976, §§1,4; and by Ord. 820, 12/8/2003*)

### **§18-207. Adoption of Installation and Construction Standards.**

1. In addition to the standards presented in Chapter 73, as amended, of the Department of Environmental Protection rules and regulations, the following provisions shall apply in Ferguson Township. In the event of a conflict between the provisions hereinafter presented and standards within Chapter 73, the more stringent standard will apply, as determined by the Sewage Enforcement Officer. [*Ord. 820*]

2. *Dual Absorption Areas.* Individual onlot sewage system permits will be issued only if two acceptable absorption areas are identified on the lot for which the permit is requested. Each area must be of sufficient size to handle the entire effluent loading of the proposed and anticipated use of the lot. Both areas must be staked out during residence construction to assure their integrity. Destruction of one of the absorption areas during construction will result in revocation of the building permit unless a replacement area is found. Furthermore, all deeds must carry a restrictive covenant assuring the alternate bed area is identified and protected from subsequent construction activity.

A. Two acceptable absorption areas for each lot must be shown and evidenced on all subdivision plans. This general rule is subject to the following exception. The Board of Supervisors may grant a waiver of the requirements for the subdivision of land for all or a portion of the subdivision that is: (1) offered for dedication; (2) land owned in fee and designated as public open space; (3) public parkland; or (4) land owned by a municipal authority where no facilities are planned that would generate the need for septic or sanitary sewer service. In any case where the waiver is granted by the Board of Supervisors, a note shall be placed on the plan stating as follows: "Any change in use that would generate sewage shall require compliance with the testing and permitting requirements of Chapter 18. [*Ord. 776*]"

B. At the option of the lot owner, the dual absorption area requirement may be met by installing all required piping in both absorption areas at the same time. In those cases, valves shall be installed in the effluent piping from the septic tank to control the flow so that only one area is in use at a time. [*Ord. 820*]

C. Only one acceptable absorption area is required on lots which are existing of record as of November 15, 1993.

(*Ord. 31,1/2/1968; as added by Ord. 566, 11/15/1993, §1; as amended by Ord. 776,*

7/2/2001, §1; and by *Ord. 820*, 12/8/2003)

**§18-208. Restraining Violations.**

In accordance with §11 of the Act, the Township shall have the power to institute in the Court of Common Pleas of Centre County, Pennsylvania, proceedings in law or in equity to restrain any and all violations of §7 of the Act and the provisions of this Part. Such proceedings shall be instituted in the name of the Township of Ferguson. (*Ord. 31*, 1/2/1968, §7; as amended by *Ord. 566*, 11/15/1993, §2)

**§18-209. Waiver.**

The Supervisors of Ferguson Township shall have the authority to waive compliance with this Part in those areas where a sanitary sewer system will be in operation within 18 months of the enactment of this Part. However, during the time before the sanitary sewer system is in operation, the property owner must have on the premises a sanitary sewer system which meets the specifications of the Township Sewage Enforcement Officer.

(*Ord. 31*, 1/2/1968, §8; as amended by *Ord. 566*, 11/15/1993, §§3, 4)

**§18-210. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in a proceeding commenced before a district justice pursuant to the Pennsylvania Rules of Criminal Procedures, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 31*, 1/2/1968, §9; as amended by *Ord. 82*, 4/13/1976, §5; by *Ord. 374*, 1/10/1989; and by *Ord. 566*, 11/15/1993, §5; and by *Ord. 820*, 12/8/2003)

### Part 3

## Holding Tanks and Privies

#### §18-301. Purposes.

The purpose of this Part is to establish procedures for the use and maintenance of existing and new privies and holding tanks which are designed to receive and retain sewage. It is hereby declared by the Board of Supervisors of the Township of Ferguson that the enactment of this Part is necessary for the protection, benefit and preservation of health, safety and welfare of the inhabitants of this Township.

(Ord. 735, 9/7/1999, §101)

#### §18-302. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

*Agent* - any employee of the Township of Ferguson empowered by the Township of Ferguson and/or the Commonwealth of Pennsylvania to enforce the provisions of this Part. The term agent shall include, but shall not be limited to, any certified Sewage Enforcement Officer duly appointed by Board of Supervisors of the Township of Ferguson.

*Board* - the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania.

*Holding Tank* - a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. For purposes of this Part, a holding tank shall have a capacity of no less than 1,000 gallons.

*Improved Property* - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

*Municipality* - Township of Ferguson, Centre County, Pennsylvania.

*Owner* - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

*Person* - any individual, partnership, company, association, corporation or other group or entity.

*Privy* - a watertight tank designed to receive sewage where water under pressure and piped wastewater are not available.

*Sewage* - any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation. Sewage shall include "gray water," which is further defined as discharge from any shower, tub, sink, washing machine or other facility used for bathing or washing,

including dishwasher and water softener discharge.

(Ord. 735, 9/7/1999, §102)

**§18-303. Rights and Privileges Granted.**

The Board of Supervisors, hereinafter referred to as "Board," is hereby authorized and empowered to regulate as specified herein, within the Township, the methods of holding tank use, privy use, sewage collection, transportation and disposal resulting from such use.

(Ord. 735, 9/7/1999, §103)

**§18-304. Rules and Regulations.**

The Board is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purpose herein. All such rules and regulations adopted by the Board, shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.

(Ord. 735, 9/7/1999, §104)

**§18-305. Rates and Charges.**

The Board shall have the right and power to fix, alter, charge and collect rates, assessments and other charges as may be authorized by applicable law and as may be deemed necessary to implement the provisions of this Part.

(Ord. 735, 9/7/1999, §105)

**§18-306. Exclusiveness of Rights and Privileges.**

1. *Holding Tank.*

A. The collection and transportation of all sewage from any property utilizing a holding tank shall be completed under the direction and control of the Board or its agent, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection (DEP) of the Commonwealth of Pennsylvania.

B. The Board, or its agent, shall be provided pumping receipts from permitted holding tanks and documentation of receipt from a Pennsylvania DEP approved receiving station.

C. The Board or its agent will complete and retain annual inspection reports for each permitted tank. A permitted tank may be inspected more frequently than once per year if deemed necessary by the Township.

D. The Board or its agent shall permit a holding tank only for properties whose primary use is recreational, commercial or properties where use of a holding tank shall be deemed necessary to abate a nuisance. In no event shall a holding tank be permitted by the Board or its agent as a permanent system or sewage disposal for residential purposes. Property owners shall comply with all applicable Pennsylvania State regulations for holding tank use and any conditions attached to the approval of use of a holding tank by the Board or its agent.

E. Holding tanks will be permitted only with appropriate Pennsylvania DEP approval. Further, holding tanks will not be permitted if the site can be served by a conventional or alternative system designed to function as an onlot septic system.

F. The Township will require an escrow in an amount as established from time to time by resolution of the Board of Supervisors to be maintained by the property owner with the Township as security that the requirements for reporting of pumping and disposal of waste and maintenance of the holding tank are in compliance with this Part and the holding tank permit. [Ord. 820]

2. *Privy.* The collection and transportation of all sewage from any improved property utilizing a privy shall be completed under the direction and control of the Board or its agent, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

(Ord. 735, 9/7/1999, §106; as amended by Ord. 820, 12/8/2003)

#### **§18-307. Conditions of Privy Use.**

1. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer, and that the site meets the Title 25, Pa. Code, Chapter 73, "Standards for Sewage Disposal Facilities," requirements for the ultimate sewage disposal by an approved onlot system if water under pressure becomes available to the lot.

2. At such time that water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved onlot system.

3. The conditions of use described in subsection 1. above, do not apply to a privy intended to be used on an isolated lot which is 1 acre or larger; to an isolated lot within an area of less than one acre if the lot is legally nonconforming; i.e., existing leaseholds in Rothrock State Forest, which are owned by the Commonwealth of Pennsylvania and are not nor will not be served by water under pressure or piped waste water in the future; or to legally nonconforming lots in existence at the time of adoption of this Part, however, all appropriate Pennsylvania DEP permitting shall be required for these lots.

4. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.

5. The Board or its agent shall have the right at any time to inspect the privy for proper operation, maintenance and content disposal.

(Ord. 735, 9/7/1999, §107)

#### **§18-308. Duties and Responsibilities of Improved Property Owners.**

1. *Holding Tanks.* The owner of a property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any ordinance or resolution of this Township, and the provisions of any applicable law, and the laws, rules and regulation of the Commonwealth of Pennsylvania; and shall further agree to provide the Township or its agent such documentation as may be deemed necessary or appropriate to provide assurance of conformance. Said documentation may include, but shall not be limited to, permits, receipts, correspondence, etc.,

from Pennsylvania DEP, the pumper/hauler, and the receiving station.

B. Permit only the Board or its agent to inspect holding tanks on an annual; or in the event of deficiency or other circumstances, at any time as deemed necessary by the Board or its agent.

C. Provide documentation to the Board or its agent that the hauler selected to collect, transport, and dispose of the contents therein, has disposed of the contents at a receiving station approved by Pennsylvania DEP.

2. *Privies.* The owner of an improved property that utilizes a privy shall:

A. Maintain the privy in conformance with this or any ordinance or resolution of this Township and the provisions of any applicable law, rules and regulations of the Commonwealth of Pennsylvania.

B. Permit the Board or its agent to enter upon land to inspect the privy for proper operation, maintenance and contents disposal.

C. Provide documentation to the Board or its agent that the hauler selected to collect, transport, and dispose of the contents therein, has disposed of the contents at a receiving station approved by Pennsylvania DEP.

D. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved onlot system meeting Chapter 73 standards in the event that water under pressure or piped waste water becomes available to the property.

(*Ord. 735, 9/7/1999, §108*)

#### **§18-309. Abatement of Nuisances.**

In addition to any other remedies provided in this Part, any violation of §18-408 of this Part shall constitute a nuisance and shall be abated by the Township or its agent either by seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction. The owner of improved property shall be responsible for any cost to Township or its agent relative to abatement of nuisances.

(*Ord. 735, 9/7/1999, §509*)

#### **§18-310. Violations.**

Any person who violates any provisions of §§18-106,18-107 or 18-108 of this Part shall, upon conviction thereof in a proceeding commenced before a district justice pursuant to the Pennsylvania Rules of Criminal Procedures, be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, a term of imprisonment not to exceed 90 days. Each day that the violation shall exist shall constitute a separate violation.

(*Ord. 735, 9/7/1999, §110; as amended by Ord. 820, 12/8/2003*)

## Part 4

### Community On-Lot Sewage Disposal Systems

#### §18-401. Purposes.

1. The purpose of this Part is to establish procedures for the design, installation, use and maintenance of community on-lot sewage disposal systems (COLDS) for the collection, treatment and disposal of sewage. It is hereby declared that the enactment of this Part is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this Township.

2. This Part is intended to provide a method of sewage treatment and disposal under circumstances where the Township does not have the capability to convey, treat, and/or dispose of sewage via a Township or Township authorized agency's publicly held conveyance, treatment, and/or disposal system, and where the construction, use, and maintenance that are or may be associated with individual sewage disposal systems pose or may present potential health risks.

(*Ord. 790, 1/21/2002*)

#### §18-402. Scope.

1. As part of any subdivision or land development plan proposing the use of a COLDS, compliance with these rules and regulations and the policies, regulations, and specifications of the University Area Joint Authority ("UAJA") shall be a condition of approval. All COLDS as defined herein that are to be constructed shall list the official permittee as the UAJA.

2. Developments located outside the Act 537 Sewage Facilities Plan Regional Growth Boundary/Sewer Service Area that propose 15 or more EDUs (equivalent dwelling units) shall utilize a community on-lot sewage disposal system (COLDS) designed and maintained according to the standards of the University Area Joint Authority (UAJA). For phased developments, this requirement will apply to developments that reach a cumulative total of 15 equivalent dwelling units. [*Ord. 881*]

3. Upon the issuance of a permit for a COLDS by the Township SEO, the COLDS shall be dedicated by the developer to the Authority. No COLDS shall be accepted for dedication except in accordance with these rules and regulations and the specifications of the UAJA. COLDS are only permitted in areas zoned RA (Rural Agricultural), RR (Rural Residential), AR (Agricultural Research) and FG (Forest/Gamelands) that are located outside of the Centre Region Act 537 Sewage Facility Plan's existing and five-year sewer service areas.

(*Ord. 790, 1/21/2002; as amended by Ord. 881, 1/15/2007, §1*)

#### §18-403. Definitions.

As used herein, the following terms shall have the meanings herein described unless otherwise provided:

*Authority* - University Area Joint Authority (UAJA).

*Board* - the Board of Supervisors of Ferguson Township.

*DEP* - the Department of Environmental Protection of the Commonwealth of Pennsylvania.

*Capital Reserve Fund* - an interest-bearing revolving fund, established for or by the Authority with monies contributed by each COLDS developer/user, for the purpose of financing major equipment and facility repair, maintenance, and replacement or upgrade. A separate capital reserve fund shall be established for each COLDS.

*Community On-Lot Sewage Disposal System (COLDS)* - any sanitary sewage treatment and disposal system which treats and disposes of sewage generated from two or more equivalent dwelling units (EDU's) by utilizing a subsurface absorption bed or land application. This definition specifically excludes any treatment or disposal system that serves only one dwelling unit or one dwelling unit with an absorption field located off property.

*Design Standards* - design standards for COLDS as established by DEP (25 Pa.Code, Chapter 73) as well as all relevant installation and locational standards established by such regulations, and specifications for the design, installation, and use of COLDS as set forth by the Authority.

*Improved Property* - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage shall or may be discharged.

*Person* - any individual, partnership, company, association, corporation or other group or entity.

*Sanitary Sewage* - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation. This definition specifically excludes wastewater of industrial origin.

*SEO*- the Ferguson Township Sewage Enforcement Officer.

*Township* - Ferguson Township, Centre County, Pennsylvania.

(Ord. 790, 1/21/2002)

#### **§18-404. Rights, Privileges Granted.**

1. The Board hereby authorizes and empowers the Authority to oversee within the Township the design, installation, operation and maintenance of COLDS. Permits for COLDS shall be issued by the SEO.

2. The Board hereby authorizes and empowers the Authority, as its acting agent to enter into or acquire escrow agreements, construction and performance bonds, and engineering services to ensure COLDS and related collection systems are designed, constructed, and operated and maintained in accordance with any applicable rules and regulations of the Board.

3. The Board authorizes and empowers the Authority to take ownership, operation and maintenance of all operating COLDS within the Township following the

issuance of a permit by the SEO.

4. The Board hereby authorizes and empowers the Authority to oversee, operate, maintain, improve, and/or discontinue any COLDS within Ferguson Township.

(Ord. 790, 1/21/2002)

**§18-405. Rules and Regulations Applicable to COLDS Within Ferguson Township.**

1. COLDS can only be used in locations outside of the Centre Region Act 537 Sewage Facility Plan's existing and 5 year sewer service area.

2. All COLDS must be designed and constructed in accordance with the specifications of the Authority.

3. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning COLDS which it may deem necessary from time to time to effect the purposes herein. Any regulations proposed by the Authority shall be provided to Ferguson Township for review and comment.

4. All such policies, regulations and specifications of the Authority shall be in conformance with the provisions herein, all other ordinances of the Township and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.

5. All COLDS must have two absorption areas, designed according to site characteristics, each with a capacity sufficient to serve all equivalent dwelling units which can be connected to the system.

6. COLDS must be designed to include an inspection portal which may be used by the Authority to monitor the depth of solids in the tank. In addition, each COLD system shall contain a riser which can be used for pumping purposes.

7. The Authority shall be responsible for the maintenance of all COLDS within Ferguson Township approved after the enactment of this Part.

(Ord. 790, 1/21/2002)

**§18-406. Imposition of Rates and Charges.**

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges at reasonable and uniform rates as authorized by applicable law.

(Ord. 790, 1/21/2002)

**§18-407. Exclusivity of Rights and Privileges.**

The collection, treatment, and disposal of all sewage from any improved property utilizing a COLDS shall be done solely by the Authority or its authorized representative.

(Ord. 790, 1/21/2002)

**§18-408. Applicability.**

1. Any person who is the owner of any existing or proposed COLDS serving as means of sewage disposal within the Township is subject to all requirements of this part.

2. The developer proposing a COLDS shall be responsible for obtaining all required permits from the Township, DEP, and any other agencies requiring permits for such an installation. The owner of any proposed COLDS shall be responsible for its construction and start up in accordance with the requirements of this Part.

*(Ord. 790, 1/21/2002)*

**§18-409. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof in a proceeding commenced before a district justice pursuant to the Pennsylvania Rules of Criminal Procedures, be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 790, 1/21/2002)*

## Part 5

### Sewage Management Program

#### §18-501. Short Title; Introduction; Purpose.

1. This Part shall be known and may be cited as the “On-Lot Sewage Disposal Program” for Ferguson Township.

2. As mandated by the municipal codes, the Clean Streams Law, 35 P.S. §691.1001, and the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. 750.1 *et seq.*, known as Act 537, municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Ferguson Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

3. The purpose of this Part is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

(*Ord. 881, 1/15/2007, §2*)

#### §18-502. Definitions.

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

*Authorized agent* - a certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary or any other qualified or licensed person who is delegated by the municipality to function within specified limits as the agent of the municipality to carry out the provisions of this Part.

*Board* - the Board of Supervisors, Ferguson Township, Centre County, Pennsylvania.

*Codes Enforcement Officer (CEO)* - an individual employed by the municipality to administer and enforce ordinances in the municipality.

*Community on-lot sewage disposal system* - any system, whether publicly or privately owned, for the collection of sewage from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

*DEP* - the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

*Developer* - any person, partnership or corporation which erects or contracts to erect a building on property it owns, whether with the intent to sell the building to some other party upon its full or partial completion, or upon conveyance of property on which

the building is to be built, or with the intent to continue ownership of the property.

*Equivalent dwelling unit (EDU)* - for the purpose of determining the number of lots in a subdivision or land development that part of a multiple family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to 400 gallons per day.

*Improved property* - any property within the municipality upon which there is erected an improvement intended for continuous or periodic habitation, occupancy or use by human beings and from which improvement sewage shall or may be discharged by any means.

*Individual on-lot sewage disposal 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.

*Land development* - a land development as identified in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 *et seq.*

*Lot* - a designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

*Malfunction* - the condition which occurs when an on-lot sewage disposal system causes pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

*Management program* - the management program shall encompass individual and community on-lot sewage disposal systems which discharge into the soils of the municipality. All systems shall be operated under the jurisdiction of the municipal governing body and other applicable laws of the Commonwealth of Pennsylvania.

*Municipality* - Ferguson Township, Centre County, Pennsylvania.

*Official Sewage Facilities Plan* - a comprehensive plan for the provision of adequate sewage disposal, adopted by the municipality and approved by DEP in accordance with the Act and with applicable DEP regulations.

*Owner* - any person, corporation, partnership, etc. holding deed/title to lands within the municipality.

*Person* - any individual, association, public or private corporation whether for profit or not for profit, partnership, firm, trust, estate, or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Part, the term person shall include the members of an association, partnership or firm and the officers of any public or private corporation whether for profit or not for profit.

*Planning module for land development* - a revision to, or exception to the revision of, the municipal Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

*Pumper/hauler* - any person, company, partnership or corporation which engages

in cleaning community or individual sewage systems and transports the septage cleaned from these systems.

*Pumpers report / receipt* - form which shall be used by all permitted pumper/haulers to report each pumping of on-lot sewage disposal systems in the municipality.

*Rehabilitation* - work done to modify, repair, enlarge, or replace an existing on-lot sewage disposal system.

*Replacement area* - an area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable municipal ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the Centre County Recorder of Deeds.

*Septage* - the residual scum and sludge pumped from septic systems.

*Sewage* - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

*Sewage Enforcement Officer (S.E.O.)* - a person appointed by the municipality to administer the provisions of this Part and authorized by DEP in accordance with Chapter 72, "Administration of Sewage Facilities Program," of Title 25, "Rules and Regulations," to perform percolation tests, site and soil evaluation, and issue sewage permits for on-lot disposal systems.

*Sewage facilities* - a system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

*Sewage management district* - any area or areas of a municipality for which a sewage management program is defined by resolution of the municipality. Effective the date of this Part, a sewage management district shall be established for any development that proposes less than 15 dwelling units outside of the Centre Region Sewage Facilities Act 537 Plan Regional Growth Boundary/Sewer Service Area.

*Single and separate ownership* - the ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

*Subdivision* - a subdivision as defined by the Pennsylvania Municipalities Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 *et seq.*

All other definitions of words and terms used in this Part shall have the same meaning as set forth in Chapter 73, "Standards for Sewage Disposal Facilities" of Title 25, "Rules and Regulations," Department of Environmental Protection.

(Ord. 881, 1/15/2007, §2)

### **§18-503. Applicability.**

From the effective date of this Part, its provisions shall apply in any portion of the municipality identified as a sewage management district. With such an area or areas, the provisions of this Part shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing such on-lot sewage

disposal systems. If necessary, the entire municipality may be identified as a sewage management district.

(*Ord. 881, 1/15/2007, §3*)

**§18-504. Permit Requirements.**

1. Regardless of lot size, no person shall install, construct, or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, hereinafter called "Act 537" or "Act" and the standards adopted pursuant to that Act.

2. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal SEO. If 72 hours have elapsed, excepting Sundays and Holidays, since the SEO issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the SEO.

3. The municipality may require applicants for sewage permits to notify the municipality's certified SEO of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the municipality's certified SEO at the cost of the applicant.

4. No building or occupancy permit shall be issued by the municipality or its codes enforcement officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the municipality's certified SEO.

5. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the municipality's codes enforcement officer and the structure's owner receive from the municipality's SEO either a permit for modification or replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

6. Sewage permits may be issued only by a certified SEO employed by the municipality for that express purpose. DEP shall be notified by the municipality as to the identity of their currently employed primary and alternate certified SEOs.

7. No sewage permit may be issued unless proof is provided the owner of record has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the municipality and approved by DEP.

8. No final Act 247 approval of a subdivision or land development plan may be made and no recording of deeds for newly created lots completed until formal Act 537 planning approval by DEP is received.

(Ord. 881, 1/15/2007, §4)

**§18-505. Replacement Areas.**

1. *Requirements.*

A. Any supplements, revisions, or exceptions (Component I) to the municipality's Official Sewage Facilities Plan which are prepared pursuant to the applicable regulations of the DEP for subdivision or development of land within the municipality shall provide for the testing, identification, and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage disposal system. This requirement is in addition to the testing, identification, and reservation of an area for the primary sewage disposal system.

B. No permit shall be issued for any proposed new on-lot sewage disposal system on any newly created or subdivided property in the municipality unless and until a replacement area is tested, identified and reserved.

C. After the effective date of this Part, a replacement area for an individual on-lot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewerage system or for which a valid permit for installation of an individual on-lot sewage system has not been issued. Lots existing prior to the effective date of this Part shall be exempt from the requirements of this Section.

D. The replacement area provided shall comply with the Act and with all regulations issued by DEP as incorporated into this Part concerning individual on-lot and community on-lot sewage systems, including isolation distances, and with the terms of this Part and any other applicable municipal ordinances.

2. *Identification of Replacement Area.*

A. Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot or community on-lot sewage system, or who shall request approval of a planning module for land development or the adoption of a revision, exception to revision, or supplement to the Official Plan shall demonstrate to the satisfaction of the certified SEO that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement area. The certified SEO shall perform or observe all tests required for the location of an individual on-lot or community on-lot sewage system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the certified SEO shall not constitute compliance with the requirements of this Section.

B. The location of the initial individual on-lot sewage system and the replacement area as confirmed by the certified SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

C. If the application has been submitted as part of an application for subdivision or land development approval or as part of a request that the municipality approve a planning module for land development or amend its Official Plan, or a request for an exception to the revision of the Official Plan, the location of each initial individual on-lot or community on-lot sewage system and each replacement area shall be noted upon the plot plans. If the application is for

subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the replacement area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

D. Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this Part shall be reviewed for approval by the municipal board or its authorized representative.

3. *Construction Restrictions.*

A. The easement for the replacement area noted upon the plan and recorded with the Centre County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow rooted plant matter shall be constructed upon the replacement area.

B. If a person desires to construct such improvements on the designated replacement area, such person shall demonstrate to the satisfaction of the certified SEO, that an alternate replacement area, which complies with all applicable regulations of the DEP, this Part, and all other applicable municipal ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this Part and shall be designated as the replacement area.

(Ord. 881, 1/15/2007, §505)

**§18-506. Inspections.**

1. Any on-lot disposal system may be inspected by the municipality's certified SEO or authorized agent at any reasonable time as of the effective date of this Part, but in no case shall an inspection of every on-lot disposal system be conducted less frequently than once every 6 years.

2. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and the ultimate destination of wastewater generated in the structure.

A copy of the inspection report shall be furnished to the owner and current resident, which shall include all of the following information: date of inspection; name and address of system owner; description and diagram of the location of the system, including location of access hatches, risers, and markers; size of tanks and disposal field; current occupant's name and number of users; indication of any system malfunction observed; results of any and all soils and water tests; any remedial action required.

3. The municipality's certified SEO or authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event access to inspect the property is denied, the following steps shall be taken:

A. The matter will be officially referred to the governing body of the municipality for action.

B. The governing body of the municipality may schedule a review at the next

scheduled meeting of the municipal board/council or, if the situation threatens the health or safety of the residents of the municipality, the board/council may commence an immediate procedure to obtain a search warrant from the District Justice.

C. Upon receipt of a search warrant to inspect the property, the certified SEO or authorized agent of the municipality shall be accompanied by an officer of the municipal or State Police and the inspection shall be completed in accordance with this subsection.

4. An initial inspection shall be conducted by the municipality's certified SEO or authorized agent within 6 years of the effective date of this Part for the purpose of determining the type and functional status of each sewage disposal system in the municipality. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the municipal records.

5. A routine inspection of each sewage disposal system in the municipality will be scheduled every 6 years to assure the proper function of all systems in the municipality.

6. The municipality's certified SEO or authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipal certified SEO shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the municipal certified SEO and a representative of the DEP, then action by the property owner to mitigate the malfunction shall be required.

A permit shall be required by the municipality for alterations or connections to an existing individual or community on-lot sewage system when the alteration or connection requires the repair, replacement or enlargement of a treatment tank or retention tank, or the repair, replacement, disturbance, modification or enlargement of a soil absorption area or spray field, or the soil within or under the soil absorption area or spray field.

7. There may arise geographic areas within the municipality where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a municipally sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Sewage Facilities Plan Revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the municipality, pending the outcome of the plan revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials and/or the DEP, represents a serious public health or environmental threat.

(*Ord. 881, 1/15/2007, §6*)

#### **§18-507. Operation.**

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.

A. Industrial waste.

B. Automobile oil and other nondomestic oil.

C. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.

D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

(Ord. 881, 1/15/2007, §7)

**§18-508. Maintenance.**

1. Any person owning a building served by an on-lot sewage disposal system within a sewage management district shall have the septic tank pumped by a qualified pumper/hauler every 3 years. Thereafter that person shall have the tank pumped at least once every 3 years.

2. An option will be provided to allow the property owner to request a waiver from pumping every 3 years if, because of tank size, household size, or seasonal use, it is determined by the municipality's certified SEO that such pumping is not needed. In such cases, a waiver from pumping can be granted at the discretion of the municipality's certified SEO when an inspection of the tank by the municipal SEO, reveals that the solids are less than one-third the liquid depth of the tank.

3. The required pumping frequency may be increased at the discretion of the municipality's SEO, or authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

4. If any person can prove that their system tank had been pumped within 3 years of the 6-month anniversary of the effective date of this Part, then the municipality may delay that person's initial required pumping to conform with the general pumping frequency requirement.

5. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the municipality within 6 months of the effective date of this Part. Thereafter, service receipts shall be submitted to the municipality at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment exceed those required for septic tanks.

6. Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks as noted in subsection .1. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the certified SEO for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.

7. The municipality may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing

and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

8. Each time a septic tank or other subsurface waste disposal tank is pumped out, the municipality, its authorized agent, or a private septage pumper/hauler, whichever provides the service, shall provide to the owner of the on-lot disposal system a signed pumpers' report/receipt containing, at minimum, the following information:

- A. Date of pumping.
- B. Name and address of system owner.
- C. Address of tank's location, if different from owner's.
- D. Amount of septage or other solid or semi-solid material removed.
- E. Destination of septage (name of treatment facility).

9. Upon completion of each required pumping, the pumper/hauler shall fill out and submit a pumpers report/receipt, copies of which shall be provided by the municipality or its authorized agent to all registered pumpers/haulers. The pumper/hauler shall provide one copy of the pumpers report/receipt to the owner and one copy to the municipality or its authorized agent. Copies must be received by the municipality or its authorized agent within 30 days of the date of pumping.

(*Ord. 881, 1/15/2007, §8*)

#### **§18-509. System Rehabilitation.**

1. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment system or tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the DEP.

2. The municipality or its authorized agent shall issue a written notice of violation to any person who is the owner of a property in the municipality which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit.

3. Within 7 days of notification by the municipality that a malfunction has been identified, the property owner shall make application to the municipality's certified SEO for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the municipality, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the municipality, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the municipality or its authorized agent shall set an extended completion date.

4. The municipality's certified SEO shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system or other alternatives as appropriate for the specified site.

5. In lieu of, or in combination with, the remedies described in subsection .4 above, the municipal SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retro-fitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

6. In the event that the rehabilitation measures in subsections .1 through .5 are not feasible or do not prove effective, the municipality may require the owner to apply to the DEP for a permit to install a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 60 days.

7. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing disposal system, the property owner is not absolved of responsibility for that malfunction. The municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

(Ord. 881, 1/15/2007, §9)

#### **§18-510. Liens.**

The municipality, upon written notice from the municipal SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the certified SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

(Ord. 881, 1/15/2007, §10)

#### **§18-511. Disposal of Septage.**

1. All septage originating within the municipality shall be disposed of at sites or facilities approved by the DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

2. All septage pumper/haulers operating within the municipality shall be licensed by the DEP and permitted by the municipality or its authorized agent. Pumper/haulers shall comply with all reporting requirements established by the municipality.

3. All septage of pumper/haulers operating within the municipality shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S. §§6018.101-6018.1003. Any septage pumper/hauler who violates any of the provisions of this Part or regulations of the municipality, the conditions of its State permit, or any State or local law governing its operation shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$5,000 and costs and, in default of the payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. If any pumper/hauler shall have been convicted on two occasions of any violation of this Part, or for violating the conditions

of its State permit, or of any State or local law governing its operation, the municipal board/council shall have the power to suspend said pumper/hauler from operating within the municipality for a period of not less than 6 months or more than 2 years for each violation, as determined by the municipality. Each day the violation continues shall constitute a separate offense.

(*Ord. 881, 1/15/2007, §11*)

**§18-512. Administration.**

1. The municipality shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

2. The municipality shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a certified SEO and may include a codes enforcement officer, secretary, administrator and other persons as required. The municipality may also contract with qualified persons or firms as necessary to carry out the provisions of this Part.

3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the municipality shall become the property of the municipality. Existing and future records shall be available for the public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the municipality's sewage management program shall be made available, upon request, for inspection by representatives of the DEP.

4. The municipal board/borough council shall establish a fee schedule to cover the cost of administering this program. Fees shall be collected by the municipality or its authorized agent.

5. The municipal board/borough council shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

(*Ord. 881, 1/15/2007, §12*)

**§18-513. Appeals.**

1. Appeals from decisions of the municipality or its authorized agents under this Part shall be made to the municipal council/board in writing within 30 days from the date of the decision in question.

2. The appellant shall be entitled to a hearing before the municipal council/board at its next regularly scheduled meeting, if the appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the municipality. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

3. A decision shall be rendered in writing within 30 days of the date of the hearing. If a decision is not rendered within 30 days, the release sought by the appellant shall be deemed granted.

(*Ord. 881, 1/15/2007, §513*)

**§18-514. Penalties.**

Any person failing to comply with any provisions of this Part shall be subject to a fine of not less than \$100 and costs, and not more than \$300 and costs, or in default thereof shall be confined in the County jail for a period of not more than 30 days. Each day of noncompliance shall constitute a separate offense.

(*Ord. 881, 1/15/2007, §514*)