

CHAPTER 18

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PART 1

SEWAGE FACILITIES

A. Onlot Sewage Disposal Systems.

§101. PERMIT REQUIRED.

It is hereby confirmed that the construction, alteration or installation of any type of sewage disposal system, including small flow treatment facilities (SFTF's), shall be interpreted to fall within the requirements for a building permit under the Building Permit Ordinance of the Township.

(Ord. 6-1996, 3/11/1996, §1)

§102. DESIGN APPROVAL.

The design of SFTF's shall be approved by a registered professional engineer and shall bear the seal of the same.

(Ord. 6-1996, 3/11/1996, §2)

§103. DESIGN, INSTALLATION, CONSTRUCTION AND MAINTENANCE.

Design, installation, construction and maintenance of onlot sewage disposal systems and SFTF's are to be supervised by the Township Sewage Enforcement Officer (hereinafter "SEO") and shall be subject to the express approval of the Township SEO. Approval or disapproval shall be reasonable, in all circumstances, and interpreted in a manner which is consistent with accepted engineering standards, all Township ordinances, including this Part, and Pennsylvania statutes and regulations.

(Ord. 6-1996, 3/11/1996, §3)

§104. POSTING OF PERFORMANCE BOND.

Prior to construction or alteration of an SFTF, the property owner shall be required to post a performance bond, by a surety company deemed to be reputable by the Township, said performance bond being in the amount of 110% of the construction costs associated with such construction or alteration, as such costs are estimated and sealed by the professional engineer retained by the owner for design of the project. Upon failure to complete the project of construction or alteration, in compliance with the plans and specifications as set forth by the professional engineer and under his or her seal, the Township may unconditionally proceed to retain an independent contractor to complete such work in compliance with the drawings

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and specifications of the engineer and in compliance with the Township SEO's initial requirements. The conditions of the performance bond must permit a draw upon said bond upon failure of the condition of completion of the project of construction or alteration in compliance with all drawings and specifications as sealed by the professional engineer retained by the owner within 30 days after initiation of said work.

(Ord. 6-1996, 3/11/1996, §4)

§105. ISSUANCE OF STOP WORK ORDER.

If the owner or owner's installer or contractor is proceeding to engage in construction, maintenance or alteration of an SFTF or on-lot sewage disposal system in a manner not consistent with represented and required design plans and specifications, or the requirements of this Part or other requirements of other Township ordinances or Pennsylvania statutes or regulations, the Township SEO is empowered to issue a "stop work order" or to seek injunctive relief to stop all work, to cease use of the on-lot sewage disposal system or SFTF or to prevent habitation or use of the premises until the on-lot sewage disposal system or SFTF is brought into compliance with said design plans, specifications, ordinances, statutes and regulations.

(Ord. 6-1996, 3/11/1996, §5)

§106. ESTABLISHMENT OF ESCROW ACCOUNT.

1. Prior to, and as a condition of construction, alteration or use of an SFTF, the owner of any such subject premises must establish an irrevocable escrow account requiring signature of the Township Secretary, Treasurer or Chairman of the Board of Supervisors, in addition to one or more of the owners, in order to effect withdrawals. A balance shall be maintained in said account in an amount not less than that which is reasonably estimated by the Township SEO to equal 5 years worth of maintenance costs and inspection and testing costs. All interest upon said escrow account shall be taxable and payable to the owners of each respective premises subject to this regulation. All such accounts shall be maintained in an FDIC or FSLIC insured account.
2. Said escrow account must be maintained regardless of sale or sales of premises subject to this regulation, and it shall be incumbent upon the sellers and buyers of such premises to agree to, and effect, at settlement, any offset or proration of the balance in said escrow account.
3. The funds which may be drawn from said escrow account, excepting interest which shall be payable to the owners of the relevant premises, shall be drawn upon for the conduct of required maintenance and the conduct of testing to be pursued three times per year by the Township SEO. Inspection shall include testing for an adequate chlorine residual at levels required by the Pennsylvania Department of Environmental Protection (hereinafter "DEP"), permit and collection of a sample for fecal coliform analysis. At least two municipal inspections will be conducted between April 1 and September 30 of

each year. At least one inspection will be conducted during the remaining portion of the year. Bacteriological analysis must be by an EPA approved laboratory. Copies of all written inspection reports shall be retained with Township records and one copy sent to the DEP along with a copy of the lab results. Information shall be sent within 10 days of receipt of lab findings by the Township.

4. Within 10 days after any withdrawals being made from the escrow account, the owners shall reimburse monies into the escrow account so that the balance is in compliance with this Section.

(Ord. 6-1996, 3/11/1996, §6)

§107. MUNICIPAL LIEN.

The Township is hereby empowered and authorized to place a municipal lien upon all premises subject to this Part in the amount of any expenditure made by the Township in pursuit of regulation or enforcement of this Part including, but not limited to, cost of construction, maintenance, installation, alteration, inspection and testing procedure for the filing and processing of each respective lien shall be consistent with those generally prescribed for municipal liens in the municipal lien law. In addition to all costs permitted herein, costs owing from property owner to the Township, which shall also be subject to the right of the Township to lien the subject premises, shall be court costs and attorney fees incurred by the Township in bringing any action against the property owner, as well as any amounts due from property owner to Township pursuant to the indemnity provisions of §114.

(Ord. 6-1996, 3/11/1996, §7)

§108. DESIGN STANDARDS.

In addition to all other requirements, the design standards for SFTF's shall include the following:

- A. Easy access for inspection and periodic maintenance shall be provided for all treatment units. A readily accessible effluent sampling point located at the discharge end of the chlorine contact tank shall be provided.
- B. An alarm shall be provided for all pumps and aeration devices. Alarms shall include both visual and audible devices located so as to be readily noticeable by occupants of property. An appropriate high level alarm in the dosing tank and an alarm for the aeration motor (if used) are needed.
- C. Reasonable vehicular access shall be provided to the SFTF for periodic removal of sludge.

(Ord. 6-1996, 3/11/1996, §8)

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§109. DEP PERMITS REQUIRED.

The SFTF shall have received sewage facilities planning approval by the Township and DEP. Thereafter, required DEP permits must be obtained. No building or SFTF construction may occur until a preconstruction meeting has been held with the appropriate Township officials, the SFTF contractor, the property owner and the factory representative if an aerobic treatment unit is used.

(Ord. 6-1996, 3/11/1996, §9)

§110. INSPECTIONS.

Upon completion of SFTF installation and prior to SFTF covering, the registered professional engineer for the property owner, SEO and factory representative, if an aerobic treatment unit is used, shall conduct an inspection and certify in writing that the construction/installation of the SFTF is in conformance with the permit issued by DEP. Notice of SFTF's inspection shall also be given to DEP 72 hours prior to inspection. A copy of written certification signed by all parties will be sent to DEP within 10 days of completion of inspection. A service contract consistent with the requirements of the National Sanitation Foundation must be signed and a copy sent to DEP when aerobic treatment units are used.

(Ord. 6-1996, 3/11/1996, §10)

§111. RESPONSIBILITIES OF PROPERTY OWNERS.

In the event Township or DEP inspections indicate the need for repair, replacement and/or maintenance of any component part or all of the SFTF in order to bring the SFTF into compliance with DEP permit or regulations, the property owner shall complete such repairs, replacement and/or maintenance and obtain certification from the permittee's engineer or the Township's authorized representative that the work has been completed in accordance with appropriate standards. Certification must be provided within 30 days of the date of Township or DEP notice.

(Ord. 6-1996, 3/11/1996, §11)

§112. RIGHT OF TOWNSHIP TO ENTER PREMISES.

In the event the property owner or his representative fails or refuses to achieve timely compliance with the provisions for SFTF's repair, replacement and/or maintenance as described in §111, the Township shall have the right to enter upon the premises and to perform any repairs, replacement and/or maintenance with respect to the SFTF, all of which shall be made at the cost and expense of the property owner.

(Ord. 6-1996, 3/11/1996, §12)

§113. WRITTEN NOTICE.

During the period of time when the SFTF is inoperable and/or incapable of treating the discharged effluent so as to meet and/or exceed those standards of DEP as aforesaid, property owner shall make the necessary arrangements to remove said effluent and arrange for the appropriate disposition of same at a DEP permitted sewage disposal facility. In the event the property owner shall fail to make the necessary arrangements for the removal of said effluent, the Township shall have the right, upon 48 hours written notice to property owner sent to the last known address by first-class mail, to enter upon the premises and cause said effluent to be removed. Where the property owner causes the effluent to be removed, he shall, upon request of the Township, provide an agreement with a hauler providing for the removal and submission of all pumping receipts. The property owner agrees to continue hauling effluent until such time as the SFTF as been properly certified as being operable by the Township or DEP.

(Ord. 6-1996, 3/11/1996, §13)

§114. TOWNSHIP TO BE HELD HARMLESS.

Property owner, for themselves, their heirs, administrators, executors, successors and assigns, shall at all times hold the Township harmless from any claims, suits, legal expenses or judgments which may be brought against the Township or against any Township officials and employees and/or against the property owner or any of their successors in title for any adverse conditions casually and directly related to the operation by property owner of the SFTF. The property owner shall have the duty to defend the Township, its officials and employees against any claim or suit made by any person who alleges that adverse conditions have been caused by the operation by the property owner of the SFTF. In the event the property owner fails to undertake the defense of the Township as to any such claim and the Township is required to enter upon its own defense, property owner shall reimburse the Township for any expenses it may incur including legal fees, engineering fees and other expert witness fees and shall pay any judgment rendered against the Township as a result of such suit. As to damages alleged to have been caused by reason of the operation of the SFTF, property shall have the right and option to join the Township in the defense and/or compromise of such claim and property owner shall only be required to pay those damages and expenses for which the property owner agrees to pay, it being the express understanding of the parties hereto that the property owner shall not be responsible for any condition occurring that cannot be demonstrated to be due to the operation and/or malfunction of the SFTF installed by the property owner. In the event the property owner, or its heirs, successors or assigns shall fail to pay the costs, legal fees, other expenses or damages as herein provided and the Township is required to pay same, the Township shall have the right to recover said funds it has expended either by a civil action against the property owner, or his heirs, successors of assigns or by causing a lien to be recorded on the property in an amount equal to the sums required to be expended.

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(Ord. 6-1996, 3/11/1996, §14)

§115. ALTERNATIVE PLANS.

Property owner shall provided to the township a complete set of "as built" plans for the aforesaid SFTF as finally approved by DEP or any other governmental agency having jurisdiction thereof.

(Ord. 6-1996, 3/11/1996, §15)

§116. ALTERNATIVE REMEDY,

In addition to all of the rights and remedies available to the Township as set forth herein, and as an alternate remedy without prejudice to the right of the Township to pursue other remedies, the Township may, upon failure of any property owner to comply with the provisions of this Part, or upon the occurrence of a malfunction within an on-lot sewage disposal system or an SFTF, upon 48 hours written notice to property owner sent by first class mail, enter upon the premises and direct the cessation of human occupancy or habitation or presence upon the subject premises until compliance with this Part and applicable statutes and regulations are met or until said malfunction is remediated. The Township SEO is hereby authorized, where appropriate, to pursue, seek and obtain injunctive relief to prevent the occupancy or habitation of humans upon such relevant premises and the presence of persons thereon.

(Ord. 6-1996, 3/11/1996, §16)

B. Administration.

§121. DUTIES OF THE COLUMBIA COUNTY SANITARY ADMINISTRATIVE COMMITTEE.

The Township of North Centre hereby directs, authorizes and empowers the Columbia County Administrative Committee to administer all sections of Act 537 described in §6(c)(1) and §13.2(b) including the following:

- A. Accept applications for, make the required inspections and issue, deny or revoke permits pursuant to the requirements of the Act aforesaid, for and on behalf of the Township.
- B. Appoint one or more sewage enforcement officer(s) to make, on behalf of this Township, the required inspections within the said Township and to receive applications for and to issue in the name of said Township, permits as provided for by said Act or deny/or revoke the same.
- C. To collect on behalf of this Township the permit fees that shall be fixed by said Committee and adopted by this Township, which permit fees shall be turned over to the Committee all monies appropriated by or paid to said Township in connection with the carrying out of the provisions of the Act aforesaid.
- D. To employ such office staff, consultants, legal advisors and field help as it deems proper, insofar as its budget shall permit.
- E. Through its Sewage Enforcement Officers, to institute such legal proceedings as it deems necessary or as advisable to insure compliance with the Pennsylvania Sewage Facilities Act, as amended.

(Ord. 1-1996, 5/6/1996)

PART 2

HOLDING TANKS

§201. PURPOSES.

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses and 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.

(Ord. 12/10/1990, §1)

§202. DEFINITIONS.

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

BOARD - the Board of Supervisors of North Centre Township, Columbia 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.

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.

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.

SEWAGE - any substance that contains any of the waste products or 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.

TOWNSHIP - North Centre Township, Columbia County, Pennsylvania.

(Ord. 12/10/1990, §2)

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§203. RIGHTS AND PRIVILEGES GRANTED.

The Board is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

(Ord. 12/10/1990, §3)

§204. 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 purposes herein. All such rules and regulations shall be in conformity with the provisions hereof and all applicable laws, rules and regulations of the Township and the administrative agencies of the Commonwealth of Pennsylvania.

(Ord. 12/10/1990, §4)

§205. RATES AND CHARGES.

The Board shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

(Ord. 12/10/1990, §5)

§206. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done by or under the direction and control of the Board 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. 1999-01]]
2. The Board, or its authorized designee, will receive, review and retain pumping receipts from permitted holding tanks.
3. The Board, or its authorized designee, shall complete and retain annual inspection reports for each permitted tank and will retain the same for a period of 5 years.

(Ord. 12/10/1990, §6; as amended by Ord. 1999-01, 1/21/1999)

§207. DUTIES OF IMPROVED PROPERTY OWNER.

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this Part, the provisions of any applicable law and the rules and regulations of the Board and any administrative agency of Commonwealth of Pennsylvania.
- B. Permit the Board or its agent to inspect the holding tanks on an annual basis.
- C. Permit the Board or its agent to collect, transport and dispose of the contents of the holding tank.

(Ord. 12/10/1990, §7)

§208. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 12/10/1990, §8; as amended by Ord. 1999-01, 1/21/1999)

§209. ABATEMENT OF NUISANCES.

In addition to any other remedies provided in this Part, any violation of §207 shall constitute a nuisance and shall be abated by the Township, which shall seek mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 12/10/1990, §9)

