

## **Chapter 18**

### **Sewers and Sewage Disposal**

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**Part 1****Juniata Sewage Committee****A. Enforcement of Pennsylvania Sewage Facilities Act****§18-101. Provisions.**

That, pursuant to the provisions of the Intergovernmental Cooperation Law (Act 180, approved July 12, 1972, the Township of Tuscarora (hereinafter referred to as the Municipality), shall and does hereby enter into and adopt an Agreement of Cooperation (hereinafter "Agreement") with such other municipalities of Juniata County as may ordain to do so, providing for the establishment and maintenance of a joint local agency as authorized by §8 of the Sewage Facilities Act, Act No. 537, January 24, 1966, P.L. (1965) hereinafter "Act") to be known as the Juniata Sewage Committee (hereinafter "Committee").

(*Ord. 1-80, 6/4/1980, §1*)

**§18-102. Agreement.**

That the Agreement shall provide, inter alia:

A. For the delegating and transferring to the Committee of all functions, powers and/or responsibilities of the Municipality, as provided for by the act, as amended, or hereinafter amended, which shall include, but not be limited to, the following:

(1) Setting fee schedules for processing permit applications and issuing permits.

(2) Employing certified sewage enforcement officers and such other employees or personnel, as may be necessary, and determining the amount and method of compensation for them.

(3) Applying for and receiving reimbursement from the Pennsylvania Department of Environmental Protection. [*Ord. 1-2006*]

(4) Establishing all necessary provisions and procedures for issuance of permits, collection of fees, enforcement of the act and the rules and regulations promulgated pursuant thereto, prosecution of violations, hearing appeals from decisions of the sewage enforcement officers, appearing as a party respondent to appeals taken from the decision of the local agency pursuant to the Local Agency Law, and enforcing the Municipality's ordinances adopted pursuant to the Act.

(5) Adopting rules and regulations and procedures not inconsistent with the Sewage Facilities Act or the rules and regulations promulgated pursuant thereto, which the Committee deems necessary and proper to the effective administration of the act and to the effective execution of the powers, duties and responsibilities granted by the act, the ordinances of participating municipalities and the Agreement of Cooperation.

(6) Exercising all the powers and duties delegated to local agencies by §7

and §8 of the act.

B. That the purposes and objectives of the Agreement are to create a local agency which will equally administer and enforce the provisions of the act within each municipality that is part of the included within the jurisdiction of the Committee created.

C. That the manner and extent of financing the activities of the Committee shall be determined by the Committee which will annually, before adoption of the budgets of the participating municipalities, specify the amount of funds, if any, that will be needed from each member municipality to finance any costs not covered by fees and reimbursements, which amounts shall be approved by each member municipality, said costs to be prorated among the participating municipalities on the basis of the number of applications made for sewage permits for land within each member municipality within the preceding 12 months. Any amounts so paid by a member municipality shall be repaid by the Committee within time limits and upon such terms and conditions as may be agreed upon by the member municipalities. The Committee shall attempt as nearly as is feasible, to limit its expenditures to income received from fees and reimbursements.

D. That the organizational structure of the Committee shall include, but not be limited to, a governing body composed of one elected official or other designated representative from each municipality to be chosen on an annual basis by each participating municipality.

E. For the manner in which property, real or personal, shall be acquired, managed or disposed of, including provision that upon complete termination of the Committee's existence, its remaining assets shall be reimbursed to the participating municipalities existing at such time equally.

F. That the Committee shall serve only those municipalities participating therein.

G. That non-member municipalities in the County may become participating members of the Committee by proper ordinances adopting the Agreement.

H. That the Agreement of Cooperation may be amended or terminated by approval of all participating members.

I. That any member municipality may withdraw from the Agreement by enacting an appropriate ordinance to that effect. Withdrawal by any participating municipality prior to complete termination of the Committee's existence shall operate as a forfeiture by the withdrawing municipality of any right or claim that said municipality may have in or to any Committee assets, or repayment of any amounts paid to the Committee by such municipality.

J. That the Agreement shall be perpetual unless earlier terminated by approval of all participating members.

(*Ord. 1-80, 6/4/1980, §2; as amended by Ord. 1-2006, 2/6/2006*)

### **§18-103. Violations.**

Any person who shall violate or fail to comply with any rule or regulation adopted by the Committee pursuant to the powers delegated in §18-102 hereof, shall be guilty of a summary, offense and shall be subject to the same fines and penalties as are

provided for in §13 of the act.

*(Ord. 1-80, 6/4/1980, §4)*



**B. Application Fees and Charges.****§18-111. Fees and Charges.**

1. Permit application fees and charges to sewage permit applicants shall be set forth in "Sewage Permit Application Fees and Charges Schedule," attached hereto and made a part hereof.

2. Applications for sewage permits shall be made in writing upon forms as prescribed by the Department of Environmental Protection of Pennsylvania.

3. At the time of application, an applicant shall pay the fees in connection with the application, as set forth in the "Application Fees and Charges Schedule," attached hereto and made a part hereof.

4. That portion of the charges, over and above the fees incurred for the actual work performed, shall be refunded to the applicant at the time such application is granted or denied.

5. Those fees and charges incurred in connection with the application which are over and above the original fees paid at the time of the application shall be collected at the time such application is granted or denied.

6. A permit shall not be issued unless all fees and charges in connection therewith are paid in full by the applicant.

*(Res. 1-01, 2/5/2001, §§1-7)*



**Part 2****Holding Tanks****§18-201. Definitions.**

For the purpose of this Part, the following words and phrases shall have the meaning ascribed to them in this Section:

*Board of Supervisors* - the governing body of Tuscarora Township.

*Certificate of registration* - the written approval as issued by the Board of Supervisors and the Pennsylvania Department of Environmental Protection authorizing use of holding tanks. [Ord. 1-2006]

*Holding tank* - a water-tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal by pumping and hauling the sewage to an approved discharge site. Holding tanks include, but are not limited to, the following:

(1) *Chemical toilet* - a toilet using chemicals that discharge to a holding tank.

(2) *Retention tank* - a holding tank to which sewage is conveyed by a water carrying system.

(3) *Vault pit privy* - holding tank designed to receive sewage where water under pressure is not available.

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

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

*Person* - any individual, partnership, company, association, corporation, or other entity having legal or actual existence.

*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 substances harmful or inimical to the public health, safety, or welfare, to animal and life, or to the use of any public or private water supplies used for domestic consumption or recreation.

*Township* - Tuscarora Township, Juniata County, Pennsylvania.

(Ord. 1-1984, 7/3/1984, §1; as amended by Ord. 1-2006, 2/6/2006)

**§18-202. Rules and Regulations.**

1. All rules and regulations adopted by the Township will 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, Department of Environmental Protection including, but not limited to, the Pennsylvania Sewage Facilities Act, P.L. 1535 (1965), No. 537, 35 P.S. 5750.1 *et seq.*, and Title 25 of the

Pennsylvania Code, as may be amended from time to time. [*Ord. 1-2006*]

2. The collection and transportation of all sewage from any improved property using approved holding tank facilities shall be done under the direction and control of the Township and its sewage enforcement officer. Disposal shall be made only at such site or sites as may be approved by the Commonwealth of Pennsylvania, Department of Environmental Protection. [*Ord. 1-2006*]

3. The Township hereby declares as a matter of policy that holding tank installations shall be the least preferred of any sewage facilities alternative. Installation of holding tanks shall be limited to instances in which other sewage facilities are ineffective or unavailable due to soil conditions, excessive cost to owner(s), or any other reason deemed sufficient by the Board of Supervisors.

4. Installation and construction of holding tanks shall be performed in conformity with the requirements and specifications set forth in regulations codified at 25 Pa.Code §71.41 - 71.48 and 25 Pa.Code §71.51 - 71.52, as well as any amendments or additions thereto.

(*Ord. 1-1984, 7/3/1984, §2; as amended by Ord. 1-2006, 2/6/2006*)

#### **§18-203. Permits and Certification.**

The owner of any property proposing to use holding tank(s) for on-site disposal of sanitary sewage shall:

A. Apply for a Township sewage facilities permit in accord with the applicable laws of the Commonwealth of Pennsylvania.

B. Attach written proof of agreement between the owner and a certified sewage disposal hauler whereby the hauler contractually agrees to pump at regular intervals and dispose at an approved site the waste from the holding tank(s) to be installed.

C. Attach written proof of agreement between the hauler and an approved waste disposal site satisfactory to the Commonwealth of Pennsylvania, Department of Environmental Protection. [*Ord. 1-2006*]

D. All waste disposal haulers authorized to pump, transport, and dispose of holding tank waste in the Township shall furnish to the Board of Supervisors a schedule of their pumping quantities to ensure sufficient size and capability of the holding tank(s) being used. Each waste disposal hauler shall, while under contract with any owner in the Township for servicing a holding tank or tanks, enter into an indemnity agreement with the Township to hold it harmless for any claim of damages which may arise out of, or in connection with, the operation and maintenance of said holding tank(s), as well as the operation and maintenance of said hauler's waste disposal business in the Township.

E. The Township or its authorized representative shall inspect, prior to installation, any holding tank to be used by an owner, with particular attention to its construction, water tightness, size, and proposed siting, in light of its sewage facilities application.

F. If, in the opinion of the Township or its authorized representative, any holding tank is broken, leaking, or not being pumped satisfactorily at regular intervals, the Township shall file violation proceedings and require immediate

correction by the owner or operator of the property site involved.  
(*Ord. 1-1984, 7/3/1984, §3; as amended by Ord. 1-2006, 2/6/2006*)

**§18-204. Violations and Penalties.**

1. 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. 1-2006*]

2. In addition, any violation of the provisions hereof shall constitute a public nuisance, and may be abated by the Township through appropriate equitable or legal proceedings in a Court of competent jurisdiction.

(*Ord. 1-1984, 7/3/1984, §4; as amended by Ord. 1-2006, 2/6/2006*)



**Part 3****Sewage Management Program****§18-301. Short Title; Purpose.**

1. This Part shall be known and may be cited as an “Ordinance Providing for a Sewage Management Program for Tuscarora Township.”

2. The purpose of this Part is to provide for the inspection of on-lot sewage disposal systems; to require improved operation and maintenance activities by owners for on-lot sewage disposal systems; to provide a program by which the municipality can educate on-lot disposal systems owners of the importance of on-lot system maintenance; to require owners of malfunctioning on-lot systems to repair or replace malfunctioning systems in areas not scheduled to receive public sewer facilities; to establish a schedule for the required maintenance of on-lot disposal systems; to provide for a system of verification of required improvements, operation or maintenance work completed; to establish penalties and appeal procedures necessary for the proper administration of a sewage management program and to ensure municipal compliance with municipal codes, the Clean Stream Law Act of June 27, 1937, P. L.1987, as amended, 35 P.S. §§691.11 to 691.1001), 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) and other health and safety laws. This Part shall be in effect in all portions of Tuscarora Township, Juniata County.

(Ord. 9/10/2001, §1)

**§18-302. Definitions.**

*Authorized agent* - an employee of the Township (certified sewage enforcement officer, code enforcement officer, plumbing inspector or other qualified person) who is delegated to function within specified limits as the agent of the Township to carry out provisions of this Part and Chapters 71 and 73, 25 Pa.Code, of the DEP rules and regulations.

*Board* - the Board of Supervisors Tuscarora Township, Juniata County, Pennsylvania.

*Community on-lot subsurface sewage disposal system* - a publicly or privately owned system of piping, tanks or other facilities serving more than one lot and collecting and disposing of sewage in whole, or in part, into the soil or waters of the Commonwealth.

*Department* - the Department of Environmental Protection in the Commonwealth of Pennsylvania (DEP).

*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 waters of the Commonwealth.

*Malfunction* - a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into the ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contaminations of public or private

drinking water well. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

*Municipality* - Tuscarora Township, Juniata County, Pennsylvania.

*Official Sewage Facilities Plan* - a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Facilities Act (Act 537).

*Person* - any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership, or firm and the officers of any local agency or municipal, public, or private corporation for profit or not for profit.

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

*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 substances being harmful or inimical to the public health, or the animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution. under the Act of June 22, 1937 (P.L.1987, No .394) known as the "Clean Streams Law," as amended.

*Sewage Enforcement Officer (SEO)* - the official of the local agency who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

*Sewage Management District* - any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management Program is to be implemented.

*Sewage Management Program* - a comprehensive set of legal and administrative requirements encompassing the requirements of this Part and other administrative requirements adopted by the municipality to effectively enforce and administer the ordinance.

*Subdivision* - the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

*Township* - the Township of Tuscarora, Juniata County, Pennsylvania.

For the purposes of this Part, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and the regulations promulgated thereto.

(Ord. 9/10/2001, §2)

### **§18-303. Applicability.**

From the effective date of this Part, its provisions shall apply in any portion of the

Township identified in the Official Sewage Facilities Plan as a sewage management district. Within 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 or rehabilitation on-lot sewage disposal systems.

*(Ord. 9/10/2001, §3)*

**§18-304. Permit Requirements.**

1. 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 or 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 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 sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and holidays, since the sewage enforcement officer 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 sewage enforcement officer.

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

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 sewage enforcement officer.

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 sewage enforcement officer either a permit for alteration or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The certified sewage enforcement officer 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 sewage enforcement officer employed by the municipality for that express purpose. The Department of Environmental Protection shall be notified by the municipality as to the identity of their currently employed certified sewage enforcement officer.

*(Ord. 9/10/2001, §4)*

**§18-305. Inspections.**

1. The SEO or authorized agent of the municipality may enter at reasonable

times any building, structure, premises, lot or land for the purpose of making inspections to determine compliance with the provisions of this Part.

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 trackable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

3. Initial inspections shall be conducted by the municipality's authorized agent within seven 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 sewage management district and to provide educational materials to the property owner (how to operate, maintain their existing septic system and reduce the complications of malfunctions on their property until the problems can be resolved). 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. All pumping will be done by a DEP licensed pumper and the site will be inspected by the SEO. The SEO shall make a written report for each site. The report shall state the size of the tank; type of the tank; the condition of the tank; the condition of the baffles and the general condition of the tank and entire system.

4. A schedule of routine inspections may be established by the municipality if necessary to assure the proper function of the system in the sewage management district.

5. The municipality and its authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipality and its authorized agent shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the authorized agent and a representative of the Pennsylvania Department of Environmental Protection, then action by the property owner to mitigate the malfunction shall be required.

6. 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 official 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 the Pennsylvania DEP, represents a serious public health or environmental threat.

*(Ord. 9/10/2001, §5)*

#### **§18-306. Operation.**

The municipality, or its authorized agent, shall distribute to all existing and new owners, a copy of an abstract of pertinent information discussing care and maintenance of septic tanks and subsurface disposal areas. Owners shall be encouraged to minimize water use and install water conserving devices in order to increase the efficiency and

promote the long life of on-lot subsurface sewage disposal system. Only normal domestic waste shall be discharged into the sewage system. Otherwise, the following restrictions apply:

A. Roof drains, cellar drains, foundations drains, basement sump pumps and other sources of rainwater or groundwater shall not be discharged into any sewage system.

B. The ground surface shall be graded so that stormwater runoff does not pond or collect on the surface of the ground overlying the absorption area.

C. No industrial wastes shall be discharged into any sewage system without first obtaining any permits required for such discharge by the Pennsylvania Department of Environmental Protection.

D. Gasoline, solvents, motor oils, other hydrocarbon, paints, and other chemicals which are not renovated by sewage systems shall not be discharged into sewage systems.

E. Pipes, tanks, joints, baffles, distribution boxes and all other parts of the sewage system shall be maintained in sound working condition.

F. Water conservation habits, water-saving showerheads or shower flow restrictors, toilet tank dams or water-saving toilets may be required to be installed and used in buildings which are served by sewage systems which experience a malfunction after the effective date of this Part or when the responsible person is issued a written order by the Township's authorized agent under §18-305, Inspection, of this Part.

(*Ord. 9/10/2001, §6*)

#### **§18-307. Maintenance.**

1. The owner of a building served by an on-lot subsurface sewage disposal system shall have the septic tank pumped by a qualified pumper-hauler. The time frame which the septic tank pumped at least once every 5 years, beginning with the first Management District noted on the On-Lot Sewer Management Districts mapping.

2. Receipt from the pumper-hauler shall be submitted by the owner to the authorized agent within the allotted pumping period. The pumping frequency may be increased at the discretion of the authorized agent if solids build-up in the tank is above average, if the hydraulic load on the system increases significantly above average, if the system malfunctions, or for other good cause shown.

3. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement from a qualified individual acceptable to the municipality that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the municipality's certified sewage enforcement officer for approval of the necessary repair.

4. 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 an alternative to this scheduled pumping of the cesspool or dry-well, the owner may secure a sewage permit from the certified sewage enforcement officer 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.

5. Owners of buildings connected to small community sewerage facilities shall have their septic tanks pumped immediately prior to connection to the small community sewerage facility and at least once every 5 years thereafter. Receipts from the pumper-hauler shall be submitted by the Owner to the authorized agent within the allotted pumping period. The pumping frequency may be increased at the discretion of the authorized agent if solids build-up in the tank above average, if the hydraulic load on the system increases significantly above average, if the system malfunctions, or for other good cause shown.

6. 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.

*(Ord. 9/10/2001, §7)*

#### **§18-308. 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 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 Pennsylvania Department of Environmental Protection.

2. The municipality 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. For on-lot systems in areas scheduled to receive centralized sewage collection and treatment systems as identified in the Official Sewage Facilities Plan. Within 7 days of notification by the municipality that a malfunction has been identified, the property owner shall acknowledge receipt of the inspection report and the informational materials disseminated with the report. Within 60 days of the initial notification by the municipality, the owner shall implement the recommended system improvements which may include the implementation of improved operation and maintenance controls and minor structural improvements as necessary to minimize continued system malfunction until centralized collection and treatment facilities are installed to serve the property.

4. For on-lot systems in areas not scheduled to receive centralized sewage collection and treatment systems as identified in the Official Sewage Facilities Plan. Within seven days of notification by the municipality that a malfunction has been identified, the property owner shall acknowledge receipt of the inspection report and the informational materials disseminated with the report. Within 60 days of the initial notification by the municipality, the owner shall implement the recommended system improvements which may include the implementation of improved operation and maintenance controls, minor structural improvements or major structural improvements including repair or replacement as necessary to eliminate or mitigate the

malfunction as necessary for the long- term operation of the system.

5. The municipality's certified sewage enforcement officer 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, replacing the system with a holding tank, other alternatives as appropriate for the specific site.

6. In lieu of, or in combination with, the remedies described in subsection .4 above, the municipal sewage enforcement officer 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 retrofitted 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.

7. In the event that the rehabilitation measures in subsection .1 through .6 are not feasible or do not prove effective, the municipality may require the owner of a system in the area not scheduled to receive public sewer, to apply to the Pennsylvania Department of Environmental Protection for a permit to install an individual spray irrigation treatment system or a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 30 days.

8. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage 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. 9/10/2001, §8)*

#### **§18-309. Liens.**

The municipality, upon written notice from the municipal sewage enforcement officer 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 sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

*(Ord. 9/10/2001, §9)*

#### **§18-310. Disposal of Septage.**

1. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §6018.101 *et seq.*) and all other applicable laws and at sites or facilities approved by DEP approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and

approved farm lands.

2. Pumper/haulers of septage operating within the sewage management district shall operate in a manner with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.103) and all other applicable laws.

(Ord. 9/10/2001, §10)

#### **§18-311. 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 sewage enforcement officer and may include a codes enforcement officer, secretary, administrator, or other person as required. The municipality may also contract with private 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 sewage management district shall become the property of the municipality. Existing and future records shall be available for 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 Pennsylvania Department of Environmental Protection.

4. The Township shall establish all administrative provisions of this Part.

5. The Township may establish a fee schedule, and subsequently collect fees, to cover the cost to the municipality of administering this program.

(Ord. 9/10/2001, §11)

#### **§18-312. Appeals.**

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

2. The appellant shall be entitled to a hearing before the Township at its next regularly scheduled meeting, if the appeal is received at least 14 days prior to that 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. 9/10/2001, §12)

#### **§18-313. 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. 9/10/2001, §13; as amended by Ord. 1-2006, 2/6/2006)*

