

AN ORDINANCE DEFINING AND REGULATING THE INSTALLATION, CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF INDIVIDUAL AND COMMUNITY ONLOT SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS WITHIN EAST COCALICO TOWNSHIP; REQUIRING PERMITS FOR AND PROVIDING FOR INSPECTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE.

ENACTED AND ORDAINED by the Supervisors of East Cocalico Township as follows:

DECLARATION OF PURPOSE

The purpose of this Ordinance is to promote the health and safety of the people of East Cocalico Township through the regulation of onlot sewage disposal systems.

OBJECTIVES

It is the objective of the Township to provide through this Ordinance adequate and safe methods of onlot sewage disposal, and to minimize the potential for the contamination of groundwater or surface water by any existing or future onlot sewage disposal system.

SECTION 1.0 - DEFINITIONS

1.1 - With the exception of those words and terms defined in Section 1.2 of this Ordinance, all words and terms used in this Ordinance shall be defined in accordance with Section 71.1 of Chapter 71, Section 72.1 of Chapter 72, Section 73.1 of Chapter 73 of the Department's Regulations.

1.2 - The following words and terms, when used in this Ordinance, shall have the following meanings:

a. Absorption Area - A component of an individual or community sewage system where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

1. Primary Absorption Area - This absorption area which is initially permitted and installed for the proposed use.

2. Alternate Absorption Area - A tested area which is reserved for possible future installation of an absorption areas, if the primary absorption area is clogged or otherwise is malfunctioning.

b. Act - The Pennsylvania Sewage Facilities Act (35 P. SS750.1-750.20).

c. Board of Supervisors - The Board of Supervisors of East Cocalico Township, Lancaster County, Pennsylvania.

d. Chapter 71 of the Department's Regulations - Title 25, Pennsylvania Code, Chapter 71, "Administration of Sewage Facilities Planning Program".

e. Chapter 72 of the Department's Regulations - Title 25, Pennsylvania Code, Chapter 72, "Administration of Sewage Facilities Permitting Program".

f. Chapter 73 of the Department's Regulations - Title 25, Pennsylvania Code, Chapter 73, "Standards for Sewage Disposal Facilities".

g. Community Sewage System - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal; or both, of the sewage on one or more of the lots or at any other site.

h. Department - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

i. Holding Tank - Means a watertight tank, 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.

j. Improved Property - Shall mean any property within the Township upon which continuous or periodic habitation, occupancy or use by human being or animals, and from which structure sewage shall or may be discharged.

k. Individual Sewage 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 the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

l. Official Plan - A Comprehensive Plan for the provision of adequate sewage systems adopted by the Township, and submitted to, and approved by the Department as provided by the Act and Chapter 71 of the Department's Regulations.

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

n. Person - An individual, association, public or private corporation for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States, Commonwealth, political subdivision, municipality, district, authority or another legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not-for-profit.

o. Pumper/Hauler - Any person who engages in cleaning any or all components of a community or individual onlot system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge.

p. Sewage - A substance that contains 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 to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

This term includes any substance which constitutes pollution under the Clean Streams Law.

q. Sewage Enforcement Officer - An official of the local agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the act and conducts investigations and inspections that are necessary to implement the Act and the regulations thereunder.

r. Soil Modification - A process by which small diameter pellets of plastic or similar material are injected into the soil in the absorption area of an onlot sewage disposal system. The process is intended to fracture the soil and improve porosity of the soil. The Township does not make any claim or representation that such "Soil Modification" will improve soil porosity or soil permeability.

s. Township - Shall mean East Cocalico Township, Lancaster County, Pennsylvania.

SECTION 2.0 - DESIGNATION OF SEWAGE ENFORCEMENT OFFICER

2.1 - The Board of Supervisors shall annually appoint one or more Sewage Enforcement Officers and an Alternate Sewage Enforcement Officer (If only one (1) primary Sewage Enforcement Officer is appointed) as its Sewage Enforcement Officer (s) to carry out the duties specified in this Ordinance. Such officer shall serve until he or she resigns, is dismissed by the Board of Supervisors, or has his or her certification suspended or removed by the Department.

2.2 - In January of each year the Board of Supervisors shall submit the name and address of its Sewage Enforcement Officer (s) to the Department. The Board of Supervisors shall notify the Department within thirty (30) days of any change in the information referred to in the information referred to in this subsection.

SECTION 3.0 - CONDUCT OF SEWAGE ENFORCEMENT OFFICERS

3.1 - All Sewage Enforcement Officers shall abide by the Standards of Conduct specified in Chapter 72 of the Department's Regulations. Violation of any of these standards shall be grounds for dismissal by the Supervisors.

SECTION 4.0 - GENERAL REQUIREMENTS

4.1 - The installation of any treatment tank, subsurface absorption area, spray field, or any holding tank constitutes either the installation of an individual or a community sewage system and requires a permit prior to beginning the installation of the system or beginning the construction, installation or occupancy of any building or buildings for which such a system will be installed.

The installation of an individual or community sewage system shall include any repairs to, the alteration, replacement, or enlargement of any treatment tank, subsurface absorption area, spray field, or holding tank. A permit shall be required for all these activities regardless of the acreage of the tract on which the individual or community sewage system is to be installed or repaired.

4.2 - "Soil Modification" is hereby deemed to constitute the alteration of an onlot sewage disposal system, and shall only be undertaken pursuant to a permit issued by the Sewage Enforcement Officer.

4.3 - The Board of Supervisors will issue, deny, and revoke permits only by and through its Sewage Enforcement Officer (s).

4.4 - If construction or installation of an individual or community sewage system and of any building or structure for which such system is to be installed has not commenced within three (3) years after the issuance of a permit for such system, the said permit shall expire. A new permit shall be obtained prior to the commencement of said construction or installation.

4.5 - Construction of a new sewage system for a newly occupied building will be know as a "new sewage system" for the purposes of this Ordinance. The alteration, enlargement, augmentation, modification, repair, or replacement of an existing onlot sewage disposal system for a structure which is occupied at the time of the application for permit issuance shall be known as a "repair sewage system" for the purposes of this Ordinance.

4.6 - The site investigations and procedures for permit issuance shall follow the standards in Chapters 71, 72, and 73 of the Department's "Rules and Regulations" and this Ordinance.

4.7 - The design and installation of an individual or community sewage system, or part thereof, shall be done in conformance with the standards in Chapter 73 of the Department's "Rules and Regulations" and this Ordinance.

4.8 - Application for permits for new sewage systems which are not consistent with the Official Plan of the Township shall not be approved.

4.9 - No individual or community system shall be installed in an area identified by completed Federal Flood Insurance mapping as a floodway or where completed flood mapping is not available, a floodway extends fifty feet (50') from the top of the stream bank as determined by the local agency. This paragraph is not applicable to spray fields.

4.10 - The minimum isolation distances described in Department Regulations shall be the same as indicated in those Regulations.

Per Ordinance Amendment 2004-06 the following 4.11 and 4.12 were added).

4.11 - The septic tank cover over the opening used for the tank pumping shall be located no more than twelve inches (12") under the ground surface and shall be marked for ease of locating.

4.12 - The septic tank opening used for the pumping and inspection shall be at least twenty inches (20") in diameter (or square)."

SECTION 5.0 - APPLICATION AND TESTING PROCEDURES AND PERMIT

5.1 - Application for a permit shall be made by the property owner, equitable owner, or an authorized agent of the owner or equitable owner to the Sewage Enforcement Officer prior to the commencement of construction, alteration or repair of individual or community

sewage system, or the construction or expansion of any building for which such a system is to be installed or used.

5.2 - The application shall contain the following:

a. The information found on the Application Form 3640-FM-WQ 0290, current revision, prescribed by the Department.

b. Such further information as may be required by the Sewage Enforcement Officer to insure that the proposed action complies with the regulations promulgated by the Department.

c. Application Fee.

Application forms may be obtained from the Sewage Enforcement Officer or Township office.

5.3 - a. When the Sewage Enforcement Officer has determined that an initial application is incomplete or that it is unable to verify the information contained in an application, the Sewage Enforcement Officer shall notify the applicant in writing within seven (7) days of receipt of the application. The notice shall include the reasons why the application is not acceptable. When the required information is received, the Sewage Enforcement Officer shall act upon the application does not constitute permit approval. If the Sewage Enforcement Officer does not act upon an application within seven (7) days of receipt, or within fifteen (15) days of receipt of supplemental information under Subsection (a), the applicant may request a hearing before the Board of Supervisors.

5.4 - New Sewage Systems

For new systems, the application and review process consists of the following four stages:

a. Preliminary stage

b. Site evaluation stage

c. System design stage

d. Final inspection stage

5.4.1 - In the preliminary stage, the applicant obtains and Application Form 3640-FM-WQ0290, current revision, from the Sewage Enforcement Officer, completes Part I and signs Part IV of the form and submits it along with the appropriate permit fee to the Sewage Enforcement Officer. The Sewage Enforcement Officer reviews Part I and an on-site evaluation is scheduled at a mutually agreed time.

5.4.2 - In the site evaluation stage, the Sewage Enforcement Officer observes the soil test pits, conducts or observes percolation tests and slope measurements, and completes Part IV of the application. Unless otherwise instructed by the Sewage Enforcement Officer, it shall be the responsibility of the applicant to prepare the site for inspection, including the digging and proper preparation of the percolation test holes as specified in Chapter 73 of the

Department's Regulations. the digging of a soil test pit at least seven feet (7') deep, any general clearing of the site necessary to make slope measurements, conducting soil and percolation tests, and providing water for the percolation test. A passing soil and percolation test shall be provided for the primary absorption area and the alternate absorption areas. After the site evaluation stage, the applicant will be notified if the site is suitable or receive a letter of permit denial if it is not.

5.4.3 - The system design stage involves the completion of Parts II and III of the application form by the applicant. All application information and designs must be provided in a neat and legible manner. Drawings must be drawn to scale and must be prepared by a State Registered Surveyor, Licensed Engineer, or a State Certified Sewage Enforcement Officer but not one that is appointed as the Township Sewage Enforcement Officer and the Drawing must show the following:

- a. All information required under Parts II and III of the application;
- b. All test pits and percolation tests (pass or fail) conducted on the lot;
- c. Alternate absorption area location;
- d. Location and width of all right-of-way, easements, building restriction lines, including any limitations on their use;
- e. Existing and proposed contours at two-foot (2") intervals and spot elevations for the following:
 1. First floor elevation of any structure.
 2. Elevation at each corner and high point of the proposed absorption area. In addition, if an elevated sand mound system is required, the existing grades at each corner of the proposed toe of berm must be shown.
 3. Elevation of existing grade at the proposed pump tank or lift station if required.
- f. Show how stormwater will be diverted around the sewage system area;
- g. The primary and alternate absorption areas and those areas must be staked in the field and protected from disturbance with snow fence, safety fence or other adequate means, prior to permit issuance;
- h. Two (2) intervisible permanent reference points that must be established in the field and shown on the Sewage Disposal System Design Plan. The dimensions to the proposed corner of the primary area from the two (2) intervisible points must also be shown on the Design Plan; and
- i. A Plan Note requiring the top of the well casing for the individual water supply be extended a minimum of one foot (1') above finished grade.

5.4.4 - When the Sewage Enforcement Officer has determined that the application is complete and meets the requirements of Chapters 71, 72, and 73 of the Department's

Regulations and this Ordinance and has field verified the requirements of Section 5.4,3 (g) and (h) of this Ordinance, a permit shall be issued.

5.4.5 - Permits shall be issued or denied by the Sewage Enforcement Officer, in writing, within seven (7) days after receiving a completed application for permit, except as stated in Section 5.3. Permits may be stated in a letter.

5.5 - Repair Sewage Systems

For repair sewage systems, the application and review process consists of the following four (4) stages:

- a. Preliminary stage
- b. Site evaluation stage
- c. System design stage
- d. Final inspection state

5.5.1 - In the preliminary stage, the applicant obtains an Application Form 3640-FM-WQ0290, current revision, from the Sewage Enforcement Officer or Township office, completes Part I and signs Part IV of the form and submits it along with the appropriate permit fee to the Sewage Enforcement Officer. The Sewage Enforcement Officer reviews Part I and an on-site evaluation is scheduled at a mutually agreed time.

5.5.2 - In the site evaluation stage, the Sewage Enforcement Officer will observe the soil test pits, the percolation test and slope measurements. Percolation tests shall be performed, when a repair absorption area is necessary and the procedure will follow the procedure outlined in Section 5.4.2. However, soil test pits and percolation tests shall not be required for an additional "alternate absorption area".

If the application for system repair only includes a request for "Soil Modification", the Sewage Enforcement Officer will provide a site evaluation, but no soil testing will be required.

5.5.3 - The system design stage involves the completion of Parts II and III of the application form by the applicant. The system design shall be the responsibility of the applicant and shall follow the procedure outline in Section 5.4.3.

5.5.4 - When the Sewage Enforcement Officer has determined that the application is complete, a permit shall be issued or denied.

5.5.5 - Permits shall be issued or denied by the Sewage Enforcement Officer, in writing, within seven (7) days after receiving a completed application for permit, except as shown in Section 5.3. Permits may be denied at any stage during the application and review process. Reasons for denial shall be stated in a letter.

5.5.6 - If, during the site evaluation, the Sewage Enforcement Officer observes a system malfunction, an application for "Soil Modification" shall be denied. The applicant must

undertake a system repair to correct the malfunction. "Soil Modification" shall not be approved as a means to correct a malfunction.

5.6 - Inspections

5.6.1 - Prior to any earth disturbance for the installation of the permitted onlot sewage disposal system, the applicant and/or contractor for the applicant must contact the Sewage Enforcement Officer to arrange for a preconstruction meeting at the site.

5.6.2 - For the final inspection stage, the applicant shall notify the Sewage Enforcement Officer when the installation is complete and ready for inspection or reinspection.

5.6.3 - The Sewage Enforcement Officer may require additional inspections prior to the final inspection for those installations he or she believes may be difficult to install per the permitted design. In those cases where additional inspection is required, the Sewage Enforcement Officer shall outline the required interim inspection on the permit under "Additional Conditions".

5.6.4 - No part of any installation shall be covered, nor in the case of new systems shall the building for which it is intended to be occupied until it is inspected and given final written approval by the Sewage Enforcement Officer, except that the applicant may cover the installation in absence of written approval or disapproval at the expiration of seventy-two (72) hours, excepting weekends and holidays, from the date the Sewage Enforcement Officer receives the notice to inspect. The Sewage Enforcement Officer may, by order, require an installation to be uncovered at the expense of the applicant, if the installation was covered contrary to the provisions of this section.

5.6.5 - Elevated Sand Mounds, Elevated Sand Trenches and Subsurface Sand Filters; separate inspections are required as follows:

- a. - First inspection upon completion of scarification or excavation of the system site.
- b. - Second inspection upon completion of placement of sand.
- c. - Third inspection upon completion of all piping and permanent installation of pump and alarm.
- d. - Final inspection upon final cover of the absorption area and grading around the absorption area to divert stormwater.

5.6.6 - At grade onlot sewage disposal systems. Inspections 2, (b) upon completion of placement of stone, (c), and d above are required for at-grade onlot sewage disposal system; all other onlot sewage disposal methods shall be inspected at key stages of construction which shall be determined by the Sewage Enforcement Office at the time of permit issuance.

SECTION 6.0 - HOLDING TANKS

6.1 - It is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of the Township to properly use and maintain all existing and new

holding tanks designed to receive and retain sewage whether from residential or commercial uses.

6.2 - The applicant for the installation and use of a holding tank shall provide a request to the Board of Supervisors for "special permission" for the utilization of the holding tank prior to applying for the permit to install the holding tank and an application fee. This request for "special permission" should be supported by whatever information the applicant deems important to allow the Board of Supervisors to grant permission for a holding tank.

6.3 - Upon review of the request for "special permission", the Township Board of Supervisors shall determine whether or not the request satisfies the following criteria:

a. Compatible with the Township Act 537 Official Sewage Facilities Plan and the limitations of the Pennsylvania Code Title 25.

b. Qualify for the standards of "retaining tanks" or "holding tanks" as described in Pennsylvania Code Title 25, Chapter 73.61 and 73.62.

c. Comply with the other provisions of this section of this Ordinance.

6.4 - Exclusive of Rights and Privileges

a. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Board of Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department. The owner shall be required to furnish to the Township a written contract entered into between the owner and the pumper/hauler, whereby the pumper/hauler agrees to receive and dispose of the sewage at site or sites acceptable to the Township and not to cancel or terminate the contract except upon at least ninety (90) days written notice to the Township of intention to terminate.

b. The Township will receive, review, and retain pumping receipts from permitted holding tanks.

c. The Township will complete and retain annual inspection reports for each permitted tank.

6.5 - 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 or any Ordinance of this Township, the provisions of any applicable law.

b. Enter into a Holding Tank Maintenance Agreement with the Township upon the form acceptable to the Board of Supervisors.

c. Establish an escrow with the Township as a guarantee for performance of maintenance, in an amount established by Resolution.

d. Maintain the holding tank cover at least three (3) inches above existing ground level and grade the property around the cover with a slope away from the cover so no stormwater runoff enters the holding tank.

e. Maintain the holding tank cover that is "vandal-proof and "child-proof".

f. Permit the Board of Supervisors or their agent to inspect holding tanks on an annual basis.

g. Each time the tank is pumped out, the pumper/hauler shall provide the owner and the Township with a signed pumper/hauler report. Report forms shall be provided by the Township. The report shall be filed within thirty (30) days of the date of pumping.

SECTION 7.0 USE, OPERATION AND MAINTENANCE OF ONLOT SEWAGE DISPOSAL SYSTEM

7.1 - Basic operation and maintenance - All persons who own a lot upon which an onlot sewage disposal system is installed and all persons owning a building served by an onlot sewage disposal system shall properly operate and maintain such systems. Proper use and operation and maintenance of an onlot sewage disposal system shall include at a minimum:

7.1.1 - Prohibit the discharge of any of the following substances into an onlot disposal system:

- * Industrial waste
- * Automobile oil and other nondomestic oil
- * Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline, and other solvents.
- * Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and French drains.

7.1.2 - Maintain all system components in a functional and operational condition including all:

- * Electrical and mechanical components
- * Chemical feed systems
- * Collection and conveyance piping
- * Pressure piping
- * Treatment tanks, including septic tanks
- * Baffles
- * Flow splitter or distribution boxes

- * Distribution piping
- * Absorption piping
- * Alarms
- * Flow recorders
- * Disinfection equipment
- * Safety facilities
- * Ground surface contours and other means or storm runoff diversion

7.1.3 - Provide periodic pumping and system inspection as follows:

a. The septic tank and/or treatment tank, or pump tank shall be inspected and pumped by a qualified pumper/hauler registered with the Township on the following schedule:

1. Properties located in East Cocalico Township District 1 within one (1) year of effective date of this Ordinance.

2. Properties located in East Cocalico Township District 2: within two (2) years of effective date of this Ordinance.

3. Properties located in East Cocalico Township District 3: within three (3) years of effective date of this Ordinance.

4. Thereafter, that person shall have the septic tank and/or treatment tank, pump tank, cesspool, or dry well pumped at least once every three (3) years.

b. Receipts from the pumper/hauler shall be submitted to the Township.

c. The Township may delay an owner's initial required pumping to conform to the general three-year frequency requirement, if the owner provides a receipt or other written evidence showing that their tank had been pumped within three (3) years of the first-year anniversary of the effective date of this Ordinance.

d. The Township may allow an extension or up to two (2) years to the pump out period when the owner can demonstrate to the Township that their onlot disposal system can operate properly for this additional period of time. This extension is not automatically renewed, and the owner must individually apply for each extension requested. Such a request must be made no sooner than six (6) months prior to the date when the next required pumping is to be completed. The request must be in writing with all supporting document attached. The Township, in making its determination, shall take into account the information submitted by the applicant, any sewerage permit issued for the installation or rehabilitation of the system and support documentation, reports on the inspection and maintenance of the system and other relevant information, and may conduct an onsite inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within sixty (60) days of accumulation of all necessary information

by the Township, but the application for a time extension shall be automatically denied if no approval is granted within the sixty (60) days.

e. The required pumping frequency may be increased at the discretion of the Township if the septic and/or treatment tank, cesspool, or dry well is undersized, or whenever an inspection reveals that the septic and/or treatment tank is filled with solids in excess of one-third (1/3) the liquid depth of the tank, whichever shall require the more frequent removal, 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.

f. Each time a septic tank and/or treatment tank is pumped out, the pumper/hauler, shall provide to the Township and to the owner of the subsurface waste disposal system a signed pumper/hauler report. Report forms shall be provided by the Township. The pumper/hauler report shall contain, at a minimum, the following information:

1. Date of pumping
2. Name and address of the system owner
3. Address of the tank's location, if different from the owner's address
4. Description and diagram of the location of the tank, including the location of any markers, risers, and access hatches and size of the tank with distance to the fixed landmark
5. The date the existing system was installed
6. Last date of pump out
7. List of other maintenance performed
8. Any indication of system malfunction observed
9. Amount of septage or other solid or semisolid material removed
10. Verification that the baffles have been inspected and found to be in good working condition.
11. Verification that ground surface contours and other measures consistent with Chapter 73 (relative to standards for onlot sewage treatment facilities) to divert stormwater away from treatment facilities and absorption areas are being maintained and that these facilities are protected from physical damage.
12. List of recommendations
13. The Department of Environmental Protection Permit Number destination of the septage (name of the treatment facility)
14. Pumper/hauler operator's signature and the name, signature, and license number of the inspector of the onlot sewage disposal system for the first inspection (if not the same person as the pumper/hauler operator).

g. The initial inspection required by this Ordinance shall be provided by a Sewage Enforcement Officer or an individual qualified by the Pennsylvania Septage Management Association, but not the Township Sewage Enforcement Officer or the alternate Township Sewage Enforcement Officer. Subsequent inspections can be provided by the pumper/hauler truck operator.

h. The pumper/hauler report must be submitted to the Township's business office within thirty (30) days of the date of pumping.

i. Any owner served by an alternative system or onlot sewage disposal system which onlot sewage disposal 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 system Service Agreement recommended by the manufacturer shall be submitted to the Township within six (6) months of the effective date of this Ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case, however, may the service or pumping intervals exceed those required for septic tanks.

7.2 - Additional Maintenance

The Township and/or the Sewage Enforcement Officer may require additional maintenance activity, 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 obstruction roots or trees, the diversion of surface water away from the disposal area, etc. The determination of the requirement for the additional maintenance shall be based upon a need as identified by the Township Sewage Enforcement Officer. Repair permits issued by the Sewage Enforcement Officer must be secured for these activities.

7.3 - Reporting of Malfunctioning Onlot Sewage Disposal Systems: Any person who owns a lot upon which an onlot sewage disposal system is installed, any person who resides or operates a business upon a lot which an onlot sewage disposal system is installed, and any pumper/hauler pumping, inspecting, or otherwise maintaining an onlot sewage disposal system shall report any malfunctioning of such system or component of, to the Township, such report shall be made as soon as possible, but in no case, later than three (3) days after discovery of the malfunction.

7.4 - System Malfunctions and Requirements for Rehabilitation

7.4.1 - No person shall operate and maintain an onlot 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 of Pennsylvania unless a permit to discharge has been obtained from the Department.

7.4.2 - The Township shall issue a written notice of violation to any person who is the owner of a property in the Township which is found to be served by a malfunctioning onlot sewage disposal system and/or which is discharging raw or partially treated sewage without a permit.

7.4.3 - Within seven (7) days of notification by the Township that a malfunction has been identified, the owner shall make an application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case, the Township shall set an extended completion date.

7.4.4 - The 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, or other alternative as appropriate for the specific site.

7.4.5 - In lieu of or in combination with the remedies described in Subsection 7.4.4., the 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. The use of laundry facilities may be limited to one (1) load per day or may be prohibited altogether, etc.

7.4.6 - In the event that the rehabilitation measures described in this section are not feasible or do not prove effective, the Township may require the owner to apply for a permit to construct a holding tank. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days.

7.4.7 - Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on lot sewage disposal system, the owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary, as described in the Act, to lessen, mitigate, or eliminate the malfunction.

7.5 - Registration of Pumper/Haulers and Disposal of Septage

7.5.1 - All pumper/haulers operating within the Township shall be registered with the Township and shall comply with all reporting requirements established by the Township.

7.5.2 - All septage originating within the Township shall be disposed of at sites or facilities approved by the Department.

7.5.3 - All pumper/hauler operating within the Township shall operate in a manner consistent with this Ordinance and provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. SS6018.101 through 6018.1003), and regulations adopted pursuant to such Act.

7.5.4 - If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this Ordinance, or for violating the conditions of its State permit or of any State or Local law governing its operation, the Board of Supervisors shall have the power to suspend said pumper/hauler from operating within the Township for a period of not less

than six (6) months or more than two (2) years for each violation, as determined by the Township.

7.6 - Discontinuance of Individual Sewage System

7.6.1 - Upon the discontinuance of the use of any tank for sewage disposal purposes, whether by mandatory or voluntary connection to a public sewage system or abandonment for any other reason, the owner thereof shall have the tank pumped and flushed by a pumper/hauler and, at the owner's option, either physically removed from the premises or filled with soil and/or crushed stone.

7.6.2 - When the owner elects to have the tank filled with stone as permitted by Subsection 7.6.1 above, said tank may then be used for the discharge of stormwater, sump pump discharge of stormwater, sump pump discharge, or other effluent not sewage system, provided that said discharge is otherwise permitted by applicable law.

7.7 - Accessway for Inspection and Pumping

7.7.1 - The property owner shall provide reasonable access and availability of the septic tank or aerobic tank cover that must be used by the pumper/hauler, even if such access and availability does not exist at the time of the adoption of this Ordinance.

7.7.2 - Such access and availability shall include, but not be limited to the location of an access tank cover of at least twenty inches (20") in diameter (or square), no more than twelve inches (12") below the ground surface, with suitable markings for ease of location.

7.7.3 - The pumper/hauler shall provide all pumping and inspections by way of this access tank cover and not the smaller baffle inspection openings. Those smaller openings may be used for additional inspections, but not for pumping."

SECTION 8.0 - ADMINISTRATION; RECORD; APPLICATION AND PERMIT FEES

8.1 - The Board of Supervisors may, from time-to-time, adopt a fee schedule by Resolution for applications, soil testing permits, registration of pumper/haulers and/or other Township administrative costs that may be incurred as a result of this Ordinance.

8.2 - All fees paid under this section shall be made payable to the Township.

8.3 - The Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

8.4 - All permits, records, reports, files, and other written material relating to the installation, operation and maintenance, pumping, inspections, and malfunction of onlot sewage disposal systems shall become the property of the Township.

SECTION 9.0 - REVOCATIONS OF PERMITS

9.1 - A permit for the installation of a treatment tank, subsurface absorption area, spray field, or holding tank shall be revoked by the Sewage Enforcement Officer at any time for any one or more of the following reasons, which shall be incorporated into the Notice of Revocation:

a. When any change which has occurred in the physical conditions of any lands which will materially affect the operation of an individual or community sewage disposal system covered by any permit issued by the Sewage Enforcement Officer under the provisions of Chapter 72 of the Department's Regulations; or

b. When one or more tests, material to the issuance of the permit, has not been properly conducted; or

c. When information material to the issuance of permit has been falsified; or

d. When the original decision of the Sewage Enforcement Officer otherwise failed to conform with the provisions of the Act and the Department's Regulations; or

e. When the permittee has violated the provisions of the Act or Chapters 71, 72, or 73 of the Department's Regulations; or

f. When the inspection reveals that the installation of the system, water supply location, or (the underlying soil or geologic conditions differ from those stated in the application).

9.2 - The notice of revocation of a permit shall be in writing to the permit holder and shall include the reasons for revocation, notice of the permit holder's opportunity to request a hearing before the Township within ten (10) days of receipt of the revocation notice, and notice that no further construction or use of either the sewage system or the structure for which it is intended may take place until a new permit is issued or the revocation is reversed by the Township.

9.3 - If a permit holder fails to file a written request for a hearing under this chapter within ten (10) days after receipt of revocation, revocation shall be final.

SECTION 10.0 - REVIEW OF REVOCATIONS AND DENIALS

10.1 - The Township Board of Supervisors shall hold a hearing for denials or revocations within thirty (30) days after receipt of a written request for a hearing. Hearing request shall state concisely all reasons for the appeal. The Department shall be notified of the hearing by the Township at least three (3) days prior to the hearing date. This notification shall include a statement of the reasons for the appeal.

10.2 - Hearings under this section and a subsequent appeal shall be conducted under 2 PA.C.C SS551-555 (relating to the Local Agency Law). The local agency shall defend its action during the course of a subsequent appeal.

10.3 - The Attorney General and the Department shall be notified in writing by the appellant of an appeal challenging the constitutionality of the act or the validity of this part.

SECTION 11.0 - WAIVER OF LIABILITY

11.1 - Although this Ordinance is intended to provide guidelines for the proper installation and maintenance of onlot sewage disposal systems, nothing contained herein should be interpreted as a guarantee to the applicants, or owners, or system users that systems installed under the provisions of this Ordinance will function as intended. Uncontrollable variables such as soil characteristics, actual water usage, misuse of the system, and

material or construction inadequacies, may cause a system malfunction, even though the requirements of the Department and this Ordinance are reasonably followed.

SECTION 12.0 - NUISANCES AND PENALTIES

12.1 - Any discharge of sewage to the surface of the ground shall constitute a nuisance. Upon written notice from the Sewage Enforcement Officer, the property owner shall be required to repair the sewage system to eliminate such nuisance. The repair shall be satisfactorily completed with thirty (30) days of the receipt of the notice. Each day subsequent to the original notice period that the identified nuisance continues, shall be a separate violation of this Ordinance, and shall be subject to either or all of the remedies described in Section 12.2, Section 12.3, and Section 12.4 of this Ordinance.

12.2 - Any person who violates any of the provisions of this Ordinance, shall, upon conviction thereof, in a summary proceeding under PA Rules of Criminal Procedure be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) per violation and cost of prosecution, and in default of the payment of the fine and cost so imposed, said person may be imprisoned to the extent allowed by law for the punishment of summary offenses.

12.3 - In addition to proceeding under any other remedy available or in equity for a violation of any provision of this Ordinance or upon notice to any person violating Section 12.1 of this Ordinance, in the manner described in Section 12.1 to abate or eliminate the nuisance, and upon failure of such person to so abate or eliminate the nuisance, in the time period described in Section 12.1, the Township may take such steps as are necessary to abate or eliminate the nuisance and charge said person violating said Section with all costs thereof, together with a collection fee of ten percent (10%), or file an Action of Assumpsit, without the filing of a claim, with the Prothonotary of Lancaster County for all the costs thereof together with a collection fee of ten percent (10%).

12.4 - In addition to proceeding under any other remedy available or in equity for a violation of any provision of this Ordinance, the Township may institute proceedings in any Court of Equity having jurisdiction to abate any violation of this Ordinance.

SECTION 13.0 - REQUIREMENTS FOR OFFICIAL SEWER PLAN, REVISION, EXEMPTIONS, AND EXCEPTIONS (FOR SUBDIVISIONS AND LAND DEVELOPMENTS)

13.1 - Testing shall be conducted in accordance with the requirements of Section 5.0 of this Ordinance for each proposed lot and/or all proposed uses in all Subdivisions and Land Developments proposing onlot sewage disposal as part of the Official Plan revision, exemption, or exception to the planning process.

13.2 - For nonresidential uses and subdivisions involving more than ten (10) residential lots or equivalent dwelling units or applying for an exemption from planning, the developer shall contact the Department via sewage facilities planning module application mailer, (D.E.P. post card) which may be obtained from the Sewage Enforcement Officer.

13.3 - Prior to initiating testing, the developer shall provide a Sketch Plan showing test locations, and shall have the locations staked at the site with a designation corresponding with that on the plan. Any additional testing shall be marked in the same manner.

13.4 - The developer shall pay the required fees or deposits for testing review, as may be established by Resolution of the Board of Supervisors.

13.5 - Plans must be provided as supporting documentation to a request for approval of an Official Plan revision, exemption or exception, and these plans shall show all data required by the Department and shall show among other things:

- a. Proposed and existing building structures (to approximate sale);
- b. Location of soil probes and percolation tests, whether passing or failing;
- c. Proposed or existing water supplies or wells;
- d. Location of all existing and proposed street and right-of-way lines and easements;
- e. Existing and proposed lot lines;
- f. Existing or "planned" wells and/or onlot absorption areas on all properties adjacent to the Subdivision or Land Development within one hundred feet (100') of the property line.
- g. Any floodplain or wetland area;
- h. Existing and proposed onlot absorption areas (both Primary and alternate locations).

13.6 - The plans shall show primary and alternate absorption areas sufficient to illustrate that such systems can be placed while maintaining required isolation distances.

13.7 - The applicant requesting that the Township consider an Official Plan revision, exemption or exception, shall be responsible for completion of the appropriate components of the Department Planning Module for Land Development Department Planning Module for Land Development or exemption requests and for providing the required testing, supporting plans, and other data. The Module or exemption request will be reviewed and approved or denied in accordance with the procedures specified in Chapter 71 of the Department's Regulations.

SECTION 14.0 - SEVERABILITY

14.1 - If any sentence, clause or section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall be limited to that specific sentence, clause, or section or part of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 15.0 - REPEALER

15.1 - All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, also specifically, the following Ordinances are repealed:

1. Ordinance 25, dated March 6, 1968

2. Ordinance 70, dated March 7, 1977
3. Ordinance 72, dated September 20, 1978'
4. Ordinance 86-12, dated October 1, 1986
5. Ordinance 92-5, dated May 20, 1992
6. Ordinance 99-2, dated March 3, 1999

SECTION 16.0 - EFFECTIVE DATE

16.1 - This Ordinance shall be effective five (5) days from the date hereof.

ENACTED AND ORDAINED THIS 6TH DAY OF AUGUST, 2003