

SEWAGE MANAGEMENT DISTRICT ORDINANCE

**ORDINANCE OF WEST PROVIDENCE TOWNSHIP,
BEDFORD COUNTY, PENNSYLVANIA NO. 0-1-11-96
REGULATING PA ACT 537,
ON-LOT SEWAGE DISPOSAL &
SEWAGE MANAGEMENT DISTRICTS**

BE IT ENACTED AND ORDAINED by the Supervisors of West Providence Township of Bedford County, Pennsylvania, and it is hereby enacted and ordained as follows:

100-00. Introduction and Purpose.

As an attempt to protect the waters and soils of the municipality from contamination by untreated sewage wastes, and to protect the health of all citizens of the municipality, the Board of Supervisors has adopted and will enforce this ordinance numbered 0-1-11-96. The purpose of this ordinance is threefold:

1. To bring, and keep, the municipality within the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394) and the Pennsylvania Sewage Facilities Act (Act of 1965 P.L. 1535, No. 537, as amended, known as Act 537).

As mandated by municipal codes, the Clean Streams Law (35 P.S. §691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 et seq.), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of public health by preventing the discharge of untreated or inadequately treated sewage.

2. To provide for inspection, pumping, maintenance and rehabilitation of private and public on-lot sewage disposal systems when determined necessary by the township, or its authorized agent; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

3. To provide for environmentally sound disposal sites for treated and untreated solids and scum from septic tanks; holding tank wastes; and treated sewage sludge from wastewater treatment facilities.

100-10. DEFINITIONS.

The following definitions shall apply for the various terms throughout this ordinance.

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.

Act - The Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1--750.20).

Authorized Agent - A municipal employee, or consultant, designated to perform a specific task for the municipality (Sewage Enforcement Officer, Codes Enforcement Officer, etc.). An Authorized Agent designated to perform a certain duty, shall be familiar with that duty and competent to perform the duty. Depending on the duty, he may also need to be certified and/or licensed.

Building sewer - Piping carrying liquid wastes from a building to the treatment tank or holding tank.

Clean Streams Law - The Clean Streams Law (35 P.S. §§ 691.1--691.1001)

Department - The Department of Environmental Resources of the Commonwealth.

Holding tank - A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

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 waters of this Commonwealth or by means of conveyance to another site for final disposal.

Limiting zone - A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

(i) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.

(ii) A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

(iii) A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.

Local agency - A municipality (or any combination of municipalities acting cooperatively or jointly under the laws of the Commonwealth), county, county department of health or joint county department of health.

Lot - A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes,

whether immediate or future, which should not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

Official plan - A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of the systems, and submitted to, and approved by, the Department as provided by the act, and this part.

Official plan revision - A change in the municipality's official plan to provide for additional or newly identified or existing sewage facilities needs, which may include but not be limited to:

(i) **Update revision** - A comprehensive revision to an existing official plan required when the Department or municipality determines the official plan or its parts is inadequate for the existing or future sewage facilities needs of a municipality or its residents or landowners.

(ii) **Revision for new land development** - A revision to a municipality's official plan resulting from a proposed subdivision as defined in the act.

(iii) **Special study** - A study, survey, investigation, inquiry, research, report or analysis which is directly related to an update revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.

Person - A individual, association, public or private corporations 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.

Privy - A tank designed to receive sewage where water under pressure is not available.

Rural residence - A structure occupied or intended to be occupied by not more than two families on a tract of land of 10 acres or more.

Sewage - A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and 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 Clean Stream Law.

Sewage enforcement officer - The official of the local agency who issues permits, reviews permit applications and sewage facilities planning modules and conducts investigations and inspections necessary to implement the act and the regulations thereunder.
Sewage facilities - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

(i) **Individual sewage system** - A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

(A) **Individual on-lot sewage system** - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.

(B) **Individual sewerage system** - An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

(i) **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 another site.

(A) **Community On-lot Sewage System** - A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into a subsurface soil absorption area or retaining tank.

(B) **Community Sewerage System** - A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

Sewage management program - A program authorized by the official actions of a municipality for the administration, management and regulation of the disposal of sewage.

Soil horizon - A layer of soil approximately parallel to the soil surface, the chemical and physical characteristics of which are distinguishable by observation or other method of analysis, from the chemical and physical characteristics in adjacent layers of soil.

Soil profile - The collection of soil horizons, including the natural organic layers on the surface.

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

Undisturbed soil - Soil or soil profile, unaltered by addition-filling, removal or other man-induced changes other than agricultural activities for a minimum of 4 years prior to testing.

Waters of this Commonwealth - Rivers, streams, creeks, rivulets, impoundment, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

100-30. **APPLICABILITY.**

The provisions of this ordinance shall apply to every person owning property serviced by an on-lot sewage, or sewerage, system within the township; all persons or businesses servicing on-lot systems (constructing on-lot systems, pumping out septic tanks, repairing on-lot systems); wastewater treatment authorities and other generators of solid wastes that may be land applied for agricultural utilization or land reclamation; and owners of land application sites accepting sludge, septage, biosolids, or other solid wastes used in a beneficial way.

100-40. **SEWAGE PERMIT REQUIREMENTS.**

1. No person shall install, construct, or request bid proposals for construction or alter any individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, Act of 1965, P.L. 1535, No. 537 and the standards adopted pursuant to that Act.

Application for permit shall be in writing to the local agency in accordance with the provisions of Section 8 of the Sewage Facilities Act ("Act 537"), and shall be made in such form and shall include such data as the department may prescribe.

Sewage Enforcement Officer (SEO). If seventy-two (72) hours have elapsed, excepting Sundays and holidays, since the SEO issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been refused by the SEO.

3. Permits for individual sewage systems or community sewage systems shall not be issued unless the proposed system is consistent with the municipal official plan.

In the event that the municipality has no plan or has not revised its plan as required by the rules and regulations of the department or by order of the department, no permits may be issued until the municipality has submitted the said official plan or revision to, and received the approval of, the department, or has commenced implementation of its plan or revisions in accordance with a schedule approved by the department.

The limitations on permit issuance contained above shall not apply:

(i) to those sections of the municipality where the Department finds that the zoning or applicable restrictive covenants running with the land and enforceable by other grantees in a subdivision provide for single family or residential lots of one acre or more or the proportionate equivalent acreage for multiple family or commercial uses and provided that a replacement system could be installed on the lot in the event that the original system failed.

(ii) to existing subdivisions or sections thereof (where subdivision plans therefore have been filed of record pursuant to applicable law and ordinance prior to the effective date of this subsection) where the Department finds that either lots or homes in the subdivision or sections thereof have been sold in good faith to a purchaser for value prior to May 15, 1972 and not for the purpose of avoiding this section.

(iii) where the Department finds it necessary to issue permits for the abatement of pollution and/or the correction of health hazards.

Taken from Section 7, Parts 4 and 5 of "The Pennsylvania Sewage Facilities Act," Act of 1965, P.L. 1535, No. 537

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

5. No building or occupancy permit shall be issued by the municipality, its Codes Enforcement Officer (CEO) or its authorized agent for a new building which will contain sewage generat-

ing facilities until a valid sewage permit has been obtained from the municipality's SEO.

6. 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 CEO, or authorized agent, and the structures owner receive from the municipality's SEO either a permit for alteration or replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

7. Sewage permits may be issued only by a certified SEO employed by the municipality for that express purpose. The Department shall be notified by the municipality as to the identity of their currently employed SEO.

8. No sewage permit may be issued unless proof is provided: the owner of record has owned the lot prior to May 15, 1972; the municipality has an official, up-dated Act 537 Plan; the official Act 537 Plan has previously addressed the lot in question or a planning module for that lot has been approved by the municipality and the Department; and the Act 537 planning for that lot has been approved by the municipality;

9. No final Act 247 approval on a subdivision plan may begin until Act 537 planning is approved by the municipality and the Department.

100-50. GROUND MARKERS.

Any person who shall install new or rehabilitated sewage systems shall provide a marker or markers at ground level locating the septic tank, dosing tank, equalization (distribution) box, absorption area and other important items which may be needed in case of future maintenance, inspection or rehabilitation is required. Requirements for marker types and locations will be determined by the sewage system designer and approved by the SEO. Other requirements for sewage system construction, contained within Chapter 73 of the Pennsylvania Code, shall be followed as well.

100-60. REPLACEMENT AREAS

1. Requirements

A. After the effective date of this ordinance, a replacement area for an individual on-lot sewage systems shall be required for all lots to be created which: are not serviced, or to be serviced, by a community sewerage system; did not previously

have a permit issued for installation of an on-lot sewage system. Lots existing prior to the effective date of this Part shall be exempt from the requirements of this Section.

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

2. *Identification of Replacement Areas*

A. Each applicant who shall submit a plan for the subdivision or development of land, with marginal soils as defined in the Departments Form D, or who shall request approval of a Planning Module for Land Development or the adoption of a revision, exception to revision, or supplement to the Official Plan shall demonstrate the satisfaction of the SEO, that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the Replacement Area. Allowance of open land for the Replacement Area without testing performed or observed by the SEO shall not constitute compliance with the requirements of this Section.

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

C. If the application has been submitted as a part of an application for subdivision, or land development approval or as part of a request that the municipality approve a Planning Module or amend its Official Plan, or a request for an exemption to the revision of the Official Plan, the location of each initial on-lot sewage system and each Replacement Area shall be noted upon the plans. If the permanent easement shall be added to the plans stating that no improvements shall be constructed upon the Replacement Area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

D. Any revisions to a permit or plan affecting a Replacement Area which has been approved pursuant to the provisions of this ordinance shall be reviewed for approval by the Board of its authorized representative.

3. *Construction Restrictions*

A. The easement for the Replacement Area noted upon the Plan and recorded with the County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed on the Replacement Area.

B. This provision shall be enforced by the municipality unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate Replacement Area which complies with all other applicable municipal ordinances, exists upon the lot. If such an alternate Replacement Area shall be identified, the alternate Replacement Area may be considered to be the Replacement Area by this ordinance and shall be designated as the Replacement Area. The newly designed Replacement Area shall thereafter be considered the Replacement Area for the purpose of this ordinance.

4. *Relief from Replacement Area Requirement*

A. If any lot held in single and separate ownership as of the effective date of this ordinance does not contain land suitable for a Replacement Area, the applicant submitting a Land Development Plan or a Planning Module for Land Development or desiring to install an individual on-lot sewage system may request that the Board grant an exception to the requirement of providing a Replacement Area. The applicant for such an exemption shall present credible evidence to the Board demonstrating proof that: (a) the lot was held in single and separate ownership on the effective date of this ordinance; (b) the size of the lot; (c) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (d) the testing conducted to determine that the lot is not suitable to provide a Replacement Area.

B. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exemption from the terms of this Part. In no case shall any lot be exempted from the requirements of Section 4 of this Part.

100-70. **INSPECTIONS**

1. Any on-lot sewage disposal system may be inspected by the municipality's authorized agent at any reasonable time as of the effective date of this Part providing one or more of the following: (a) sufficient evidence of a potential health or safety risk has been obtained from a reliable informant; (b) a signed complaint has been submitted by a resident of the municipality; (c) if directed to do so by the Board of Supervisors; or (d) if directed to do so by the Department.
2. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, or other ground water sources, the sampling of the contents of the sewage disposal system itself and / or the introduction of

traceable substances into the interior plumbing of the structure served (providing a responsible resident/owner, over the age of eighteen (18) is present), to ascertain the path and ultimate destination of the wastewater generated in the structure. A copy of the inspection report shall be furnished to the owner and the current resident which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank: date of inspection; name and address of the system owner; description and diagram of the location of the system including location of access hatches, risers, and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any systems malfunction observed; results of any and all soils and water tests; any remedial action required.

3. The municipality's authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, or if no responsible resident/owner over the age of eighteen (18) is present and a serious health or safety risk is thought to exist, the following steps shall be taken:
 - A. The matter will be officially presented to at least one (1) Municipal Supervisor.
 - B. The Board may schedule a review at the next scheduled meeting of the Board, or, if the situation threatens the health or safety of the residents of the municipality, the Board may commence an immediate procedure to obtain a search warrant from the District Justice.
 - C. Upon receipt of a search warrant to inspect the property, the authorized agent of the municipality shall be accompanied by an officer of the County or State Police and the municipality's SEO. An inspection shall be completed in accordance with this Subsection.
4. A schedule of routine inspections may be established by the municipality, if necessary, to assure the proper function of the systems in the municipality.
5. The municipality's SEO shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that a system is malfunctioning, the municipality shall take the actions required to correct the malfunction. The Pennsylvania Infrastructure and Investment Authority may have available low interest (1%) loans for system rehabilitation or replacement.

6. There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a municipal sponsored revision to that area's Official Plan. When a Department authorized Official 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's Act 537 Plan revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials and the Department, represents a serious public health or environmental threat.

100-80. OPERATION.

1. Only normal domestic wastes shall be discharged into any on-lot sewage systems. The following shall not be discharged into the system:
 - A. Industrial wastes.
 - B. Automobile oil and other non-domestic oil.
 - C. Toxic or hazardous substances or chemicals, including but not limited to: pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

100-90. MAINTENANCE.

1. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a licensed Pumper / Hauler after the effective date of this Part based on the following schedule.
 - A. Properties located in _____:
Within one (1) year of the effective date of this Part.
 - B. Properties located in _____:
Within two (2) years of the effective date of this Part.
 - C. Properties located in _____:
Within three (3) years of the effective date of this Part.

Thereafter, that person shall have the tank pumped out according to §100-90.2 through §100-90.8. Receipts for pumping / hauling services received from the Pumper / Hauler shall be submitted to the municipality as required in §100-90.6.

2. Removal of septage or other solids from treatment tanks shall be performed once every three (3) years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of 1/3 the liquid depth of the tank or filled with scum in excess of 1/3 the liquid depth of the tank. Any person providing a receipt, or other written evidence, showing that their tank had been pumped within two (2) years of the first year anniversary of the effective date of this Part, may ask the municipality to delay that person's initial required pumping to conform to the general three (3) year frequency requirement.
3. The municipality may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the municipality that the system can operate properly without the need of pumping for a period longer than three (3) years, but in no case shall such period extend beyond six (6) years. Such a request may be made at any time, and must be in writing, with all supporting documents attached. The Municipality, in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the Municipal SEO upon installation or rehabilitation of the system, and supporting documentation, reports of inspection and maintenance of the system, and other relevant information, and may conduct an on-site 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 Municipality.
4. The required pumping frequency may increase at the discretion of the Authorized Agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause not shown (as determined by the SEO and the Board of Supervisors).
5. Each time a septic tank or other subsurface waste disposal system tank is pumped, the Municipality, its Authorized Agent, or a private septage Pumper / Hauler, whichever provides the service, shall provide to the owner of the subsurface waste disposal system, and the Municipality, a signed

Pumpers Report / Receipt containing at the minimum the following information:

- A. Date of pumping.
- B. Name and address of system owner.
- C. Address of on-lot system, if different from owner's.
- D. Description and diagram of the location of the tank, including the location of any markers, risers, access hatches and size of treatment tanks(s).
- E. Condition of treatment tank baffles.
- F. Date the system was installed (estimate if necessary).
- G. Date of last pump-out.
- H. List of any other maintenance performed.
- I. Any indications of system malfunction observed.
- J. Amount of septage or other semi-solid or solid material removed.
- K. List of recommendations for repair or maintenance.
- L. Destination of the septage (name of facility, location of land application site).

A Copy(s) of the Pumpers Report / Receipt must be received at the Municipal Office within thirty (30) days of the date of pumping.

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

7. Any person owning a building served by a cesspool, dry well or pit privy shall have that system pumped according to the schedule prescribed for septic tanks in §100-90.1. If such a system serves a building which also uses unmonitored ground or surface water, it is recommended that the water supply be tested by a certified laboratory on a regular basis.

Buildings utilizing such a system that is not in compliance with Act 537 regulations, will replace or rehabilitate the non-conforming with an acceptable system.

8. 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; and etc.. Repair permits issued by the certified SEO must be secured for these activities.

§101.00 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 of Pennsylvania unless a permit to discharge has been obtained from the Department and verified by the Municipality.
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. Within seven (7) days of notification by the Municipality that a malfunction has been identified, the Owner shall make application to the Municipality's SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days upon receiving the notification by the Municipality, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Municipality, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Municipality shall set an extended completion date.
4. The Municipality's SEO shall have the authority to require the repair of any malfunction by the following methods; cleaning, repair or replacement of components of the existing system; adding capacity or otherwise altering or replacing the existing the systems treatment tank; expanding the existing disposal area; replacing the existing disposal area; replacing a gravity distribution system with a pressurized

tem; replacing the system with a holding tank; and other alternatives as appropriate for the specific site.

5. In lieu of, or in combination with, the remedies described in §101-00.4, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be 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 load per day or discontinued altogether, etc..
6. In the event that the rehabilitation measures in §101-00.1 through §101-00.5 are not feasible, or do not provide effective, the Municipality may require the Owner to apply for a permit to construct a holding tank(s) in accordance with the Municipal ordinance dealing with use of holding tanks. Upon receipt of said permit, the Owner shall complete construction of the system within thirty (30) days.
7. Should none of the remedies described above prove to be 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 Municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

§101.10 LIENS.

The Municipality, upon written notice from the SEO that an imminent health hazard exists due to failure 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 SEO. The Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

§101-20 DISPOSAL OF SEPTAGE.

1. All septage Pumper / Haulers operating within the Municipality, shall be licensed with the Municipality (or the Solid Waste Authority) and shall comply with a reporting requirements established by the Municipality.
2. All septage originating within in the municipal sewage management district shall be disposed of at sites or facilities approved by the Department. Approved sites or facilities shall include the following: septage treatment facilities; wastewater treatment plants; composting facilities; and approved land application sites for agricultural utilization and disturbed land reclamation.
3. Septage Pumper / Haulers operating within the Municipality shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.1003). Any septage Pumper / Hauler who violates any provisions of this Part, or regulations of the Municipality, the conditions of its state permit, or of any State or Local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1000) and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. If any Pumper / Hauler shall have been convicted on two (2) occasions of any violation of this Part, or for violating the conditions of its State permit, or any other State or Local law governing its operation, the Board of Supervisors shall have the power to suspend said Pumper / Hauler from operating within the Municipality for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Municipality. Each day the violation continues shall constitute a separate offense.

§101-30 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 in accordance with the regulations contained in Chapter 72 of the Pennsylvania Code, section 42. Those employees shall include a certified SEO, a CEO (if necessary), a secretary, an administrator or other persons 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, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems 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 On-Lot Sewage Management Program shall be made available, upon request, for inspection by a representative of the Department.
4. The Board of supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Part.
5. The Board of Supervisors shall establish a fee schedule, and subsequently collect fees, to cover the cost to the Municipality of administering this program.

§101-40. APPEALS.

1. Appeals from decisions of the Municipality, or its authorized agents, under this Part shall be made to the Board of supervisors in writing within thirty (30) days from the date of the decision in question. All appeals shall be in accordance with Chapter 72, Sections 26, 27 and 28 of Title 25 of the Pennsylvania Code.
2. The appellant shall be entitled to a hearing before the Board of supervisors at its next regularly scheduled Board Meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Municipality shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for good cause shown by the appellant or the Municipality. Additional evidence may be introduced at the hearing provided that is submitted with the written notice of appeal.
3. A decision shall be rendered in writing within forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the release sought by the appellant shall be deemed granted.

§101-50. PENALTIES.

Any person failing to comply with any provisions of this Part shall be subject to a fine of not less than five hundred dollars (\$500) and costs, and not more than one thousand dollars

(\$1,000) and costs. All fines and penalties collected for the violation of this ordinance shall be paid over to the township treasury. Proceedings for the violation of this ordinance and for the collection of fines and penalties imposed thereby may be commenced by warrant, or by summons, at the discretion of the Justice of the Peace before whom the proceedings is begun. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the County Jail for a period not exceeding five days, or to the county jail, or workhouse for a period not exceeding thirty days. Each day of noncompliance shall be considered a separate offense.

§101-60. REPEALED.

If any section or clause of this Part shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

By the Municipality
Board of Supervisors

Attest: Donald E. Welt By: Carol Clark
Chairman , Secretary