Ordinance 2009-01

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ONLOT SUBSURFACE SEWAGE DISPOSAL FACILITIES THE TOWNSHIP OF RAPHO, LANCASTER COUNTY, PA

The Board of Supervisors of the Township of Rapho, in the County of Lancaster and the Commonwealth, hereby ordains:

Section I. Short Title: Introduction: Purpose

A. This ordinance shall be known and may be cited as "An Ordinance for a Sewage Management Program for Rapho Township."

B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1397, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), it is the power and the duty of Rapho Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The official Sewage Facilities Plan for Rapho Township indicates that it is necessary to formulate and implement a Sewage Management Program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

C. The purpose of this Ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of onlot sewage disposal systems: to further permit intervention in situations which may constitute a public nuisance or hazard to the public health: and to establish penalties and appeal procedures necessary for the proper administration of a Sewage Management Program.

Section II. Definitions

A. "Authorized Agent" shall mean a sewage enforcement officer, employee or agent of the Township.

B. "Board" shall mean the Board of Supervisors, Rapho Township, Lancaster County, Pennsylvania.

C. "Community Sewage System" shall mean any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

D. "Department" shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

E. "Individual Sewage System" shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposal of sewage in whole or in part into the soil or into any waters of this Commonwealth.

F. "Malfunction" shall mean a condition which occurs when an onlot sewage disposal system discharges sewage onto the surface of the ground, into 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 contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

G. "Official Sewage Facilities Plan" shall mean any a comprehensive plan for the provision of adequate disposal systems, adopted by the Board and approved by the Department pursuant to the Pennsylvania Sewage Facilities Act.

H. "Onlot Sewage Disposal System" shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank. This term includes both individual sewage systems and community sewage systems.

I. "Person" shall mean 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.

J. "Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing onlot sewage disposal system.

K. "Sewage" shall mean 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 to animal or aquatic life, or to the use of water for domestic water supply or recreation or which constitutes pollution under the Act of June 22, 1397 (P.L. 1987, No. 394) known as "The Clean Stream Law," as amended.

L. "Sewage Enforcement Officer (SEO)" shall mean a person certified by the Department who is employed by the Township. Such a person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.

M. "Sewage Management District" shall mean any area or areas of the Township designated by the Board as an area for which a Sewage Management Program is to be implemented.

N. Sewage Management Program" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean

Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Ordinance.

O. "Subdivision" shall mean 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.

P. "Township" shall mean the Township of Rapho, Lancaster County, Pennsylvania.

Q. For the purpose of the Ordinance, any term which is not defined herein shall have the meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

Section III. Applicability

A. From the effective date of this Ordinance, its provisions shall apply in any portion of the Township designed by the Board as a Sewage Management District. Within such an area or areas, the provisions of this Ordinance shall apply to all persons owning any property serviced by an onlot sewage disposal system and to all persons installing or rehabilitating onlot sewage disposal systems.

Section IV. Permit Requirements

A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct a 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 from the Sewage Enforcement Officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1-1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts.

B. 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 Sewage Enforcement Officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the Sewage Enforcement Office 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.

C. Applicants for sewage permits are required to notify the Sewage Enforcement Officer of the schedule for construction of the permitted onlot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Enforcement Officer may be scheduled and performed by the Sewage Enforcement Officer.

D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Sewage Enforcement Officer.

E. 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 either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the Sewage Enforcement Officer that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

F. Sewage permits may be issued only by the Sewage Enforcement Officer employed by the Township. The Department shall be notified as to the identity of each Sewage Enforcement Officer employed by the Township.

G. The Township may approve the installation of denitrification units approved by the Department in specific instances. Each denitrification system approval shall include a denitrification agreement signed by the Township. Each request shall be evaluated on an individual basis, and acceptance in any one location does not constitute a Township-wide approval.

Section V. Inspections

A. Any onlot sewage disposal system may be inspected by an Authorized Agent at any reasonable times as of the effective date of the Ordinance.

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

C. An Authorized Agent shall have the right to enter upon land for the purposes of inspections described in this section.

D. An initial inspection shall be conducted by an Authorized Agent within one year of the effective date of this Ordinance for the purposed of determining the type and functional status of each sewage disposal system in the Sewage Management District. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township records.

E. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the Sewage Management District.

F. An Authorized Agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the Authorized Agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of the Department including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code: or is not technically or financially feasible in the opinion of the Authorized Agent and a representative of the Department: then action by the property owner to mitigate the malfunction shall be required.

G. If there is a geographic area where numerous onlot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If the Department authorized Official Sewage Facilities Plan Revision has been undertaken, a repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by the Township officials and/or the Department, represents a serious public health or environmental threat.

Section VI. Operation

A. Only normal domestic wastes shall be discharged into any onlot sewage disposal system. The following shall not be discharged into the system:

1. Industrial waste.
2. Automobile oil and other non-domestic oil.
3. Toxic or hazardous substance or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface or ground water, including water from roof or cellar drains, springs, sump pumps and french drains.

Section VII. Maintenance

A. Each person owning a building served by on onlot sewage disposal system within a Sewage Management District which contains a septic tank shall have the tank inspected at least once every four years and pumped whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts or verifications of the depth of solids and scum from the pumper/hauler shall be submitted to the Township within the prescribed four year pumping period.

B. The required inspection and pumping frequency may be increased at the discretion of an Authorized Agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases

significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

C. Any person owning a property served by a septic tank shall submit, with each required inspection and or pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the Township, 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 Sewage Enforcement Officer for approval of the necessary repair.

D. Any person owning a building served by an onlot sewage disposal system which contains an aerobic treatment tank or denitrification treatment unit shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six 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 may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks. Denitrification system owners shall comply with all requirements of the denitrification agreement for that installation on file with the Township.

E. Additional maintenance activity may be required as needed including, but not 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, and the diversion of surface water away from the disposal area.

Section VIII. System Rehabilitation

A. No person shall operate or 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 unless a permit for such a discharge had been obtained from the Department.

B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning onlot sewage disposal system or which is discharging sewage without a permit.

C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application with 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.

D. 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, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

E. In lieu of, or in combination with, the remedies described in Paragraph VIII. D, 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.

F. In the event that the rehabilitation measures in Paragraphs VIII. A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to the Department for a single residence treatment and discharge system. Within thirty (30) days of the permit issuance, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the permit issuance, 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.

G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing onlot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action necessary to lessen or mitigate the malfunction to the extent necessary.

Section IX. Liens

The Township, upon written notice from the Sewage Enforcement Officer that an imminent health hazard exists due to failure of the property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of this Ordinance, shall have the authority to perform, or contract to have performed the work required by the Sewage Enforcement Officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

Section X. Disposal of Septage

A. All septage shall be disposed of in accordance with the requirements of Solid Waste Management 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.

B. Pumper/hauler of Septage 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) and all applicable laws.

Section XI. Administration

A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.

B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include a Sewage Enforcement Officer and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.

C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of onlot sewage disposal systems in the Sewage Management Districts shall become the property of, and maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Department.

D. The Township shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

E. The Township Board may establish a fee schedule, and authorize the collection of fees, to cover the cost to Township of administering this Ordinance.

Section XII. Appeals

A. Appeals from final decisions of the Township or any of its Authorized Agents under this Ordinance shall be made to the Board in writing within thirty (30) days from the date of written notification of the decision in question.

B. The appellant shall be entitled to a hearing before the Board at its regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received after fourteen (14) days, the appeal shall be heard at the next regularly scheduled meeting. The Board shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the

Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

C. A decision shall be rendered in writing within forty-five (45) days of the date of the hearing.

Section XIII. Penalties

Any person failing to comply with any provision of this Ordinance shall be subject to a fine of not less than Five Hundred dollars ($500) and costs, and not more than Five Thousand dollars ($5,000) and costs, or in default thereof shall be confined in the county jail for a period of not more than ninety (90) days. Each day of noncompliance shall constitute a separate offense.

Section XIV. Repealer

All ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section XV. Severability

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

Duly Enacted and Ordained this **5th Day of January 2009** by the Board of Supervisors of the Township of Rapho, Lancaster County, Pennsylvania, in lawful sessions duly associated.

Township of Rapho
Lancaster County, Pennsylvania

ATTEST:

Duane K Martin
Secretary

BY: Darrell B
Chairman