## SPRING GARDEN TOWNSHIP YORK COUNTY, PENNSYLVANIA

#### ORDINANCE NO. 2017-05

# AN ORDINANCE AMENDING CHAPTER 250, BY THE ADDITION OF A NEW PART 7, ARTICLE XVII ESTABLISHING REGULATIONS FOR THE INSPECTION, MAINTENANCE, OPERATION, AND REHABILITATION OF INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEMS AND THE CREATION OF AN ON-LOT MANAGEMENT PROGRAM.

The Board of Commissioners of Spring Garden Township, York County, Pennsylvania, enacts and ordains, as follows:

Section 1. Chapter 250 of the Spring Garden Township Code of Ordinances is hereby amended by the addition of the following Part 7, Article XVII:

#### Part 7

#### On Lot Sewage Disposal Systems

## **ARTICLE XVII**

#### Specific Regulations

## § 250-123 Introduction, purpose, and applicability.

A. Introduction.

Municipalities have an obligation to provide for adequate sewage treatment facilities and protection of the public health by preventing the discharge of untreated or inadequately treated sewage 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.).

B. Purpose. The purpose of this article is as follows:

(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 1966, P.L. 1535, No. 537, as amended, known as "Act 537").

(2) To provide for inspection, pumping, maintenance, and rehabilitation of private and public on-lot sewage disposal systems.

(3) To establish penalties and appeal procedures necessary for the proper administration of such a management program.

C. Applicability. From the effective date of this article, its provisions shall apply in all portions of Spring Garden Township. The provisions of this article shall apply to all persons and all other entities owning any property serviced by an on-lot disposal system.

#### § 250-124 Definitions.

As used in this article, the following terms shall have the meanings indicated:

## ACT 537

The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et. seq., known as the Pennsylvania Sewage Facilities Act.

## AUTHORIZED AGENT

A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary, or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this article within specified limits.

## BOARD

The Board of Commissioners, Spring Garden Township, York County, Pennsylvania.

## CODE ENFORCEMENT OFFICER (CEO)

An authorized agent of the Township to administer and enforce other ordinances in the Township.

## COMMUNITY SEWAGE SYSTEM

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.

## DEPARTMENT

The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

## 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.

#### MALFUNCTION

The condition occurring when an on-lot system causes pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or is a hazard to public health. Any septic or holding tank observed to be leaking or any instance where sewage is backing up into a building connected to the system is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

## **OFFICIAL ACT 537 SEWAGE FACILITIES PLAN**

A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act. Hereinafter called the "Plan," it shall mean the Spring Garden Township Act 537 Plan, as amended.

## **ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS)**

Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual sewage systems and community sewage systems.

#### **ON-LOT MANAGEMENT PROGRAM**

A comprehensive set of legal and administrative requirements encompassing the requirements of this article and other administrative requirements adopted by the Township to effectively enforce and administer this Article.

#### PUMPING CERTIFICATION

A properly executed York County Solid Waste and Refuse Authority Sludge/Septage Manifest.

#### **QUALIFIED PUMPER/HAULER**

A person or organization licensed by the York County Solid Waste Authority to conduct septage pumping and hauling within York County.

#### REHABILITATION

Work done to modify, alter, repair, enlarge, or replace an existing OLDS.

#### SEPTIC SYSTEM REPORT

Pumping Certification form to be completed by the Qualified Pumper/Hauler, a copy of which is forwarded to the Township after each inspection and/or pumping. The lower portion of the pumping certification ticket must be completed.

## SEPTAGE

Any substance pumped out of a septic tank.

## SEWAGE

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 94), known as "The Clean Streams Law," as amended.

#### SEWAGE ENFORCEMENT OFFICER (SEO)

An official of the Township, DEP certified, who reviews permit applications and sewage facilities planning modules and issues permits as authorized by Act 537 and conducts the investigations and inspections that are necessary to implement Act 537 and the regulations thereunder. This term includes alternate SEOs who are appointed or so designated by the Township.

#### TOWNSHIP

Spring Garden Township, York County, Pennsylvania.

Any word or term not otherwise defined in this Ordinance shall have the meaning as set forth in 25 Pa. Code § 73.1.

## § 250-125 Permit Requirements.

A. No person shall install, construct, or alter an OLDS (except installation of a riser without altering the diameter of the access point of the tank) without first obtaining a permit from the Township indicating that the site, plans, and specifications of such a system are in compliance with Act 537, the regulations adopted pursuant to Act 537, and this ordinance. Applicants for permits shall notify the Township's SEO of the installation, construction, or alteration of an OLDS so that the SEO may conduct inspections required under Act 537 and this ordinance.

#### § 250-126 Inspections.

A. Each Owner of real estate, a Dwelling Unit, Commercial or Industrial Structure or other structure whose sewage needs are provided by an OLDS shall within three hundred sixty-five days (365) days following the sending of notice have the OLDS pumped and inspected by a Qualified Pumper/Hauler.

(1) Prior to the scheduling of such pumping and inspection the Owner must extend to surface grade the manhole of any septic tank and must cause any cesspool or dry well to be accessible for inspection. Cesspools shall be inspected visually by the SEO.

(2) A notice shall be conclusively presumed to have been sent if it is deposited in the U.S. mail addressed to the Owner of any interest in the property served by the OLDS and is sent to the address of such owner as set forth in the records utilized for the assessment of real estate taxes. It shall be a violation of this Ordinance if any Owner given notice as above provided, fails to have the OLDS pumped and inspected within three hundred-sixty five days (365) days following the sending of notice.

(3) A notice of violation shall be sent to the Owner if the Township has not received a copy of the Spring Garden Township septic system report form within thirty (30) days from the three hundred sixty-five (365) day deadline to have the system pumped and inspected at which time the Owner shall be subject to penalties imposed under § 250-133 of this Article.

B. An initial inspection and subsequent periodic inspections shall be conducted when an on-lot system is pumped. Inspections shall be conducted by a Qualified Pumper/Hauler for the purpose of determining a system's functional status. The individual property owner is responsible to contact and make arrangements directly with the Qualified Pumper/Hauler.

C. A report of the inspection shall be prepared by the Qualified Pumper/Hauler and furnished to the owner of each property inspected. The Qualified Pumper/Hauler shall provide a copy of said report to the Township within 30 days of the inspection.

D. Reports shall be recorded on the Spring Garden Township septic system report form. The Qualified Pumper/Hauler shall fully complete the form to address all requested information.

E. An authorized agent of the Township shall inspect systems known to be or alleged to be malfunctioning. Should said inspection reveal that the system is indeed malfunctioning, the Township's authorized agent shall take action to require the correction of the malfunction.

(1) An authorized agent of the Township may inspect any on-lot sewage disposal system at any time given reasonable notice.

(2) An authorized agent of the Township shall have the right to enter upon land and structures for the purpose of inspections as described above.

(3) Inspections by an authorized agent of the Township may include a physical tour of the property, the taking of samples from surface water, wells or other groundwater sources, the sampling of 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 wastewater generated in the structure.

#### § 250-127 Maintenance.

A. The Township shall notify all owners of property served by an on-lot disposal system that their system must be pumped within a year from the date the letter is received as described in Subsection 250-126(A). The Township shall follow a schedule whereby all the owners of properties within the Township served by on-lot disposal systems are notified every three years of the pumping requirement,. The property owner must have his on-lot disposal system pumped within the time specified in the Township's letter, unless the property owner can provide the Township with pumping certification indicating that the system was pumped in the one year prior to the date of the Township's letter. A copy of the fully completed septic system report shall be furnished to the Township within 30 days of the date of the pumping. The property owner shall mail or hand-deliver the septic system report to the Township Administration Building: 340 Tri Hill Road, York, PA 17403.

B. Commencing from the date of pumping as prescribed in Subsection A above, removal of septage or other solids from treatment tanks shall be performed at least once every three years thereafter. The property owner shall furnish a copy of the septic system report to the Township within 30 days of the date of the pumping. Septic System reports may be mailed or hand-delivered as described above. The Township may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Township that the system can operate properly without the need for pump-out for a period longer than three years. In no case shall such period extend beyond six years. Such a request may be made after the initial pumping and inspection. The Township SEO shall determine if an extension of time should be granted and the length of the extension.

C. In making the determination, the Township SEO shall take into account the sewage permit issued for the installation or rehabilitation of the system, reports of inspection and maintenance of the system, and other relevant information. The Township SEO shall conduct an on-site inspection. The number of years between pumping shall be determined from the Penn State Fact Sheet F-161 "Septic Tank Pumping," provided the inspection findings and all other information is satisfactory. The applicant shall pay a fee established by Township resolution for this request. The Township shall provide the applicant a determination within 60 days of accumulation of all necessary information by the Township.

D. Tanks shall be deemed to be pumped when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch.

E. The Township may require additional maintenance activity as needed, including but not limited to cleaning and unclogging of piping; service and repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and/or the diversion of surface water away from the absorption area.

- F. The required frequency of pumping may be increased at the discretion of the Township, if; (1) A system is found to be malfunctioning;
  - (2) A system is found to be undersized;

(3) The treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank;

- (4) The hydraulic load on the system increases significantly above average;
- (5) A garbage grinder is used in the building; or
- (6) Other good cause can be shown, as determined by the Township.

G. Any person owning a building served by an on-lot disposal system containing an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping interval for aerobic treatment tanks exceed that required for septic tanks.

H. Any person owning a structure served by a cesspool shall have that system pumped according to the schedule prescribed for septic tanks if an access lid is provided.

I. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, backup, and other malfunctions characteristic of an overloaded system. Holding tanks shall be inspected by the SEO at least once a year.

J. Each time a septic tank or other subsurface waste disposal system tank is pumped, the contracted pumper/hauler shall provide to the owner of the system a fully completed and signed septic system report.

K. The owner of a property upon which an on-lot system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance, and pumping, and divert surface water and downspouts away from the absorption area and on-lot system components.

L. Tanks shall only be pumped from/through the manhole/access port, i.e., the largest tank opening. Tanks shall not be pumped from/through the observation port.

M. The owner of a property upon which an on-lot system is constructed shall, at all times, operate and maintain the on-lot system in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.

#### § 250-128 Operation.

A. Only sewage and normal domestic wastes shall be discharged into any on-lot sewage system. The following shall not be discharged into the system:

- (1) Industrial wastes.
- (2) Automobile oil and other nondomestic oil.
- (3) Fats and grease.

(4) Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, herbicides, acids, paints (including latex or water-based paints), paint thinners, gasoline, and other solvents.

(5) Clean surface or ground water, including spring water, water from roof or cellar drains, water from basement sump pumps, and water from French drains.

B. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into an on-lot system treatment tank.

#### § 250-129 Rehabilitation.

A. Any on-lot sewage disposal system or component thereof found to be malfunctioning shall be repaired, modified, or replaced, pursuant to direction of the SEO, to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with 25 Pa. Code Chapter 73. The SEO shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with local and state standards.

B. If an on-lot system is found to be malfunctioning, the owner must connect to public sewer, if available. Repairs or rehabilitation of cesspools are prohibited.

#### § 250-130 Liens.

When an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace an on-lot sewage disposal system as provided under the terms of this Article, the Township shall have the authority to perform, or contract to have performed, the work required to abate the health hazard, pollution, or nuisance. The owner shall be charged for the work performed, and, if necessary, a lien shall be entered therefore in accordance with law. The Township reserves the right to pursue all other lawful remedies.

#### § 250-131 Disposal of Septage.

A. All septage originating within the Township shall be disposed of at sites or facilities approved by the Department for the acceptance of septage.

B. Only Pumpers/Haulers licensed by the Department to operate within York County shall be utilized.

#### § 250-132 Administration.

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

B. The Township shall employ qualified individuals to carry out the provisions of the article. Those employees may include a sewage enforcement officer, alternative sewage enforcement officers, a codes enforcement officer, a secretary, an administrator, or other persons as required. The Township may also contract with other private qualified persons or firms as necessary to carry out the provisions of this article.

C. All permits, records, reports, files and other written material relating to the installation, operation, maintenance, and malfunction of on-lot sewage disposal systems in the Township shall become the property of the Township. Existing and future records shall be available for public inspection during normal business hours at the official Township office. All non-privileged records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the Township's sewage management program shall be made available, upon request. A fee for copying may be charged.

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

E. The Township may establish a fee schedule and collect fees to cover the cost of administering the on-lot maintenance program. The Township can set fees by properly enacting a resolution or ordinance.

## § 250-133 Appeals.

A. Appeals from determinations made under this article shall be made to the Board of Commissioners in writing within 30 days from the date of the decision in question.

B. The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting if the appeal is received at least 14 days prior to that meeting. If the appeal is not received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Township 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.

C. The Local Agency Law shall govern the procedures for an appeal pursuant to this Section.

## § 250-134 Violations and Penalties.

A. Any person who shall violate or fail to comply with any provision of this article shall, upon conviction thereof by a summary proceeding action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus all court costs, or imprisonment, all pursuant to the purpose and mandate of Act No. 172 of 1996. Each day's continuance of a violation of this article shall constitute a separate offense.

B. The discharge by the Township of its obligations as set forth in this article shall create no liability upon the Township, its officials, employees or agents.

## § 250-135 Reports, records, etc.

All reports, inspections, appraisals, certification or records required or produced by the Township, its officials, employees or agents, as required by this article, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

## § 250-136 Severability

In the event that any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of the Township that such remainder shall be shall remain in full force and effect.

Section 2. All Ordinances that are inconsistent herewith are hereby repealed and amended to the extent inconsistent herewith.

Section 3. This Ordinance shall take effect as provided by law.

ENACTED AND ORDAINED by the Board of Commissioners of Spring Garden Township at a meeting duly assembled this 14th day of June, 2017.

ATTEST:

SPRING GARDEN TOWNSHIP

Gregory J. Maust, P.E. Secretary

By: Eric M. Lehmayer President