

## PART 3      **On-lot Sewage System Regulations**

### **ARTICLE XII. PURPOSE AND SCOPE**

#### § 270-34.      **Purpose**

This Ordinance is to provide for the regulation, inspection, and rehabilitation of On-lot Sewage Systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and procedures necessary for the proper administration of the Sewage Management Program.

#### § 270-35.      **Applicability**

This Ordinance shall apply to all persons owning any property in the Borough serviced by an On-lot Sewage System and all persons operating and maintaining such systems.

#### § 270-36.      **Repealer**

All ordinances or parts of ordinances conflicting or inconsistent are repealed, except that this Part 3 shall not be interpreted to limit or repeal any obligation to connect to the public sewer system as defined in Part 1.

### **ARTICLE XIII. DEFINITIONS**

#### § 270-37.      **Definitions**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part 3 shall be as follows:

“Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

“On-lot Sewage System” shall mean any system for the 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 sewage systems for individual lots and community sewage systems for more than one lot.

“Sewage” shall mean any substance that contains the waste products or excrement or other discharge from the bodies of humans or animals and any noxious or deleterious substances being harmful or inimical to the public

health, or to animal or aquatic life, or to using 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.

“Sewage Enforcement Officer” shall mean a person certified by the Department and designated by the Borough to conduct inspections and investigations as set forth in this Ordinance, plus such other activities as provided for such person in the Sewage Facilities Act, the related rules and regulations, and in any other ordinance adopted by the Borough.

“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 related regulations, and such other requirements adopted by the Borough to effectively and enforce and administer this Ordinance.

“Property Owner” shall mean each person owning a building served by an On-lot Sewage System.

Any term not defined shall have the meaning attributed to it under the statutes, rules, and regulations describing and implementing the Sewage Management Program.

## **ARTICLE XIV. MAINTENANCE REQUIREMENTS**

### **§ 270-38. Operation**

- A. No person shall operate or maintain an On-lot Sewage 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 discharge has been obtained by the Department.
- B. Only normal domestic wastes shall be discharged into any On-lot Sewage System. The following shall not be discharged into an On-lot Sewage System: (i) industrial waste; (ii) automobile oil and other non-domestic oil; (iii) toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline, and other solvents; and (iv) clean surface or groundwater, including

water from roof or cellar drains, springs, sump pumps, and French drains.

§ 270-39. **Maintenance**

- A. Each Property Owner whose property contains a septic tank shall have the tank inspected at least once every three (3) years and pumped whenever an inspection reveals that the septic tank is filled with solids or with scum over one-third (1/3) of the liquid depth of the tank. The required inspection and pumping frequency may be increased at the discretion of the Sewage Enforcement Officer 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.
- B. Each Property Owner whose property contains a septic tank must maintain records of the most recent inspections of the depth of solids and scum from the pumper/hauler. Each such Property Owner must also maintain a written statement, from the pumper/hauler or from any other qualified individual acceptable to the Borough, that the baffles in the septic tank have been inspected and found to be in good working order. The foregoing records shall be submitted to the Borough and the Sewage Enforcement Officer upon request. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the Sewage Enforcement Officer for approval of the repair.
- C. Each Property Owner whose property contains an aerobic treatment tank or denitrification treatment unit shall follow the operation and maintenance recommendations of the equipment manufacturer. Each such Property Owner must maintain records of the manufacturer's recommendations and comply with such recommendations. Each such Property Owner must also maintain a copy of the applicable service agreement and comply with its terms. The manufacturer's recommendations and service agreement must be submitted to the Borough and the Sewage Enforcement Officer upon request. The service or pumping intervals for aerobic treatment tanks may not exceed those required for septic tanks.

- D. Additional maintenance activity may be required as needed including, but not limited to: (i) cleaning and unclogging of piping; (ii) servicing and the repair of mechanical equipment; (iii) leveling of distribution boxes, tanks, and lines; (iv) removal of obstructing roots or trees; and (v) the diversion of surface water away from the disposal area.

## **ARTICLE XV. INSPECTIONS**

### **§ 270-40. Inspections**

The Sewage Enforcement Officer may inspect any On-lot Sewage System at any reasonable time. An Sewage Enforcement Officer is authorized to enter the Property Owner's property for the purposes of such inspections. Such inspections may include, but are not limited to: (i) a physical tour of the property; (ii) taking samples from surface water, wells, or other groundwater sources; (iii) sampling the contents of the sewage disposal itself; and (iv) introducing a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of sewage generated in the structure.

### **§ 270-41. System Rehabilitation**

- A. The Sewage Enforcement Officer shall have the authority to require the repair of any On-lot Sewage System. Such repairs may include: (i) cleaning, repair or replacement of components of the existing system; (ii) adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area; (iii) replacing the existing disposal area, replacing a gravity distribution system with a pressurized system replacing the system with a holding tank; and (iv) any other alternative appropriate for the specific site.
- B. In lieu of, or in combination with the remedies described in this Section, the Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in the structures served. Water using devices and appliances in the structure may have to be retrofitted with water-saving appurtenances or they may have to be replaced by water conserving devices.

- C. Should none of the remedies described in this Section be effective in eliminating the malfunction of an existing On-lot Sewage System, the Property Owner is not absolved of any responsibility for that malfunction. The Borough may require connection to the public sewer system at the Property Owner's expense.

## **ARTICLE XVI. ADMINISTRATION AND PENALTIES**

### **§ 270-42. Administration**

- A. The Borough shall employ or otherwise contract for the services of qualified individuals to carry out this Ordinance, including a Sewage Enforcement Officer and such other persons as may be necessary.
- B. The Borough may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Borough of administering this ordinance.

### **§ 270-43. Liens**

The Borough, 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 On-lot Sewage System as provided under this Ordinance, shall have the authority to perform, or contract to have performed, the work required by the Sewage Enforcement Officer. The Property Owner shall be charged for the work performed. A lien may be entered against the affected property or properties for the cost of such work, plus reasonable attorney's fees and costs.

### **§ 270-44. Violations and penalties.**

Any person who violates this chapter shall, upon conviction thereof before the Magisterial District Justice or other court of competent jurisdiction, be sentenced to pay a civil penalty not to exceed six hundred dollars (\$600.00) per offense, plus the costs of prosecution and reasonable attorney's fees incurred by the Borough in enforcement proceedings. Each day in which a person violates this chapter and each section violated by a person shall be considered a separate violation.