TOWNSHIP OF PEQUEA

Lancaster County, Pennsylvania

ORDINANCE NO. **193-2016**

AN ORDINANCE TO ESTABLISH REGULATIONS CONCERNING THE INSTALLATION, INSPECTION AND ONGOING MAINTENANCE OF ALL ON-LOT SEWAGE DISPOSAL SYSTEMS; TO REQUIRE THE REGISTRATION OF SEPTAGE PUMPER/HAULERS; TO PERMIT INTERVENTION IN SITUATIONS WHICH MAY CONSTITUTE A PUBLIC NUISANCE OR HAZARD TO THE PUBLIC HEALTH; TO ESTABLISH PROCEDURES, PENALTIES AND APPEAL RIGHTS NECESSARY FOR THE PROPER ADMINISTRATION OF A SEWAGE MANAGEMENT PROGRAM FOR THE TOWNSHIP OF PEQUEA; TO REQUIRE PRELIMINARY HYROGEOLGIC STUDIES FOR PLANNING MODULE APPROVAL .

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Pequea Township, Lancaster County, Pennsylvania, as follows:

Section 1 Title. This Ordinance shall be known and may be cited as the "Pequea Township On-Lot Sewage Disposal System Management Ordinance."

Section 2. Definitions and Word Usage.

A Word Usage. In the interpretation of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

B Definitions.

Absorption Area Easement - A portion of a lot, tract, or parcel that encompasses the primary and replacement absorption area and which shall be delineated and preserved. The primary and replacement absorption areas need not be contiguous.

Act - The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et al. seq.

Authorized Agent - A Certified Sewage Enforcement Officer (SEO) or a licensed pumper/hauler for the Township.

Board - The Board of Supervisors for Pequea Township, Lancaster County, Pennsylvania.

Community Sewage System - Any system, whether publicly or privately owned, for the collection of sewage of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and which shall comply with all applicable regulations of the Department.

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

Developer - Any person, partnership, corporation or other legal entity which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent Dwelling Unit (EDU) - For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

Individual On-Lot Sewage Disposal System - Any 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 and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Land Development – Land development includes any of the following activities:

A. The improvement of one Lot or two or more contiguous Lots, tracts, or parcels of land for any purpose involving (1) one or more residential or non-residential buildings, whether proposed initially or cumulatively, on a Lot or Lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code.

Lot - A parcel of land used or intended to be used as a building site or separate parcel to be created as a result of approval of a subdivision or land development application. The term lot shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one or more persons or families.

Malfunction - The condition which occurs when a sewage system causes pollution to the ground or surface waters of the Commonwealth, contamination of private or public drinking water supplies, nuisance problems or hazards to public health.

Official Sewage Facilities Plan - A comprehensive plan for the provision of adequate sewage systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations.

On-Lot Sewage Disposal System (OLDS) - 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.

Owner - Any person having legal title to land within the Township.

Person - Any individual, association, partnership, public or private corporation whether for profit or non-profit, trust, firm, estate, or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or imprisonment or the ordering of the action to comply with the terms of this Ordinance, the term "person" shall include the members of an association, partnership or firm or other legal entity.

Planning Module for Land Development - A revision to the Township Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with the Department regulations.

Pumper/Hauler – any person who engages in cleaning on-lot sewage disposal systems and transports the septage removed from those systems.

Rehabilitation - Work done to modify, alter, repair, enlarge, or replace an existing on-lot sewage disposal system.

Replacement Absorption Area - A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Township ordinances for an OLDS. Both primary and replacement absorption areas must pass percolation and probe tests.

Retaining Tank - A watertight receptacle that receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to the following:

Chemical Toilet - A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

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

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

Incinerating Toilet - A device capable of reducing waste materials to ashes.

Composting Toilet - A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

Recycling Toilet - A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

Septage - The residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

Sewage - Any substance that contains any waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation, or a substance which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law (35 P.S. 691.1001), as amended.

Sewage Enforcement Officer (SEO) - A person certified by the Department, who is employed/appointed by the Board to administer the provisions of this Ordinance, the provisions of the Act, and as further defined in the Act and in Chapters 71, 72 and 73 of Title 25 of the Pennsylvania Code.

Sewage Facilities - Any method of sewage collection, conveyance, treatment, and disposal, which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

Sewage Management District – The Township of Pequea as designated in the Official Sewage Facilities Plan.

Sewage Management Program - 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.

Single and Separate Ownership - The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

Soil Absorption System - An on-lot system that uses the renovation capacity of the soil for final treatment of the effluent. The SEO permitted systems, except retention tank systems, are soil absorption systems.

Subdivision - The division or re-division of a lot, tract, or other parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building lot development. 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.

Township - Pequea Township, Lancaster County, Pennsylvania.

Treatment Tank - A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

Septic Tank - A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

Aerobic Sewage Treatment Tank - A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

C. Additional Definitions. All words within this Ordinance which are defined within Chapters 71, 72, or 73 of Title 25 of the Pennsylvania Code which are not otherwise defined herein shall have those definitions contained in said Regulations.

Section 3. Applicability.

From the effective date of this ordinance, its provisions shall apply to the Township of Pequea. The provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

Section 4. Permit Requirements.

A. All on-lot sewage disposal systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, must obtain a permit from the sewage enforcement officer (SEO) which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of this Ordinance, the Clean Streams Law (35 P.S. sub sec.691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq*.) and the regulations adopted pursuant to those Acts. No person shall install, construct or award a contract for construction, or alter, repair or connect to an on-lot sewage disposal system or construct, or request bid proposals for construction, or install or occupy any building or structure for which an on-lot sewage disposal system is to be installed without first obtaining said permit.

B. In the event that a Sewage Permit is issued by the Sewage Enforcement Officer, it is specifically required that the on-lot sewage disposal system constructed upon the premises noted on the permit shall not be covered nor operation of said sewage system permitted, until said system has been inspected and approved by the Sewage Enforcement Officer. The applicant may cover the installation upon receipt of written approval by the Sewage Enforcement Officer, or in the absence of written approval or disapproval, at the expiration of seventy-two hours, excepting on Sundays and Holidays, after the system has been inspected by the Sewage Enforcement Officer unless permission has been specifically refused by the Sewage Enforcement Officer.

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

D. No building or zoning permit shall be issued and no work shall begin on any addition, alteration or conversion of any existing structure, if said addition, alteration or conversion will result in

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

E. No occupancy certificate/permit shall be issued by the Township, its Zoning Officer or building official for the occupancy of any new building, addition, alteration or the change of use of any building, addition or alteration until the Sewage Enforcement Officer has informed the Township or said official that the existing or newly constructed system is complete, operating and has had final inspection or that no such certification is necessary.

F. No contractor may proceed to install, construct, rehabilitate or alter a system without verifying that the property owner has complied with this section of the ordinance.

G. Applicants for sewage permits are required to notify the Sewage Enforcement Officer 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 the Sewage Facilities Act may be scheduled and performed by a Sewage Enforcement Officer.

H. No on-lot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.

I. No on-lot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.

J. Permit applications for on-lot sewage disposal systems, which include electronically, mechanically, hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.

K. Only a Sewage Enforcement Officer employed by the Township may issue sewage permits. DEP shall be notified as to the identity of each Sewage Enforcement Officer employed by Pequea Township.

Section 5. Primary and Replacement Areas.

A. A replacement absorption area shall be required for all proposed lots, which are to be serviced by a soil absorption system.

B. A replacement absorption area shall be required for all new land development as of the effective date of this Ordinance, which is intended to be served by a soil absorption system, but for which a permit to install an on-lot sewage disposal system has not been issued.

C. If the property with respect to which an on-site sewage disposal permit was issued does not have a designated replacement absorption as of the effective date of this Ordinance, and a lot owner applies only for an addition or alteration to an existing building on the lot which does not involve any expansion of nor alterations to the existing on-site sewage disposal system, a replacement absorption area will not be required.

D. Allowance of open land for the replacement absorption area, without performance of appropriate soil probes and percolation testing to verify suitability of the land for a replacement absorption area, shall not constitute compliance with the requirements of this Section.

E. The location of the primary and replacement absorption areas shall be delineated and identified as an absorption area easement on the plot plans, and maps or diagrams submitted as part of the permit application, and subdivision or land development plan. Both the primary and replacement absorption areas must pass percolation and probe tests witnessed by the Township Sewage Enforcement Officer.

F. The following shall apply with respect to designated absorption areas:

    1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area.

    2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area.

    3. During any construction or other activities, the absorption area shall be adequately marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area.

    4. The final cover or improvement to every absorption area shall be limited to shallow-rooted plant matter (grass).

G. A lot owner who desires to alter or terminate an absorption area easement must first establish, through a site evaluation by the SEO and with percolation test and soil probe results, that a substitute area suitable for the installation of an on-lot sewage disposal system exists. If the

SEO concurs that the proposed substitute area is suitable for the installation of an on-lot sewage disposal system the lot owner shall:

1. Prepare and submit to the SEO and Township Solicitor for approval a proposed Declaration of Easement, which shall satisfy all of the identification, non-use and preservation requirements of Section 5.F. of this ordinance;

2. Prepare and submit to the SEO and Township Solicitor for approval a proposed Termination of Easement to terminate the existing absorption area easement which the lot owner desires to alter or terminate, which shall include a metes and bounds boundary description of the easement area to be terminated; and

3. In the event there is a recorded plan which depicts the replacement absorption area and/or absorption area easement that is being terminated, the lot owner shall submit to the Township a revised plan of the lot which depicts both the replacement absorption area being terminated and the substitute replacement absorption area which plan shall meet the requirements of, and be reviewed and approved in accordance with, the requirements of the Township Subdivision and Land Development Ordinance.

   Should the lot owner so desire, the Declaration of Easement and Termination of Easement may be included in the same document.

H. Within 90 days of the approval of the Declaration of Easement and Termination of Easement by the Township Sewage Enforcement Officer and the Township Solicitor, and the approval of the plan required by Section 5.G.3. of this ordinance, if applicable, the lot owner shall execute the Declaration of Easement and the Termination of Easement and record the same, together with the approved plan (if applicable) in the Lancaster County Recorder of Deeds' Office. Failure to do so shall result in said approvals automatically becoming null and void.

I. The lot owner shall provide a copy of all of the recorded documents to the Township, and until receipt of the same, no sewage or building permits shall be issued which would permit land development in accordance with the change to the absorption area easement.

Section 6. Individual Residential Spray Irrigation Systems.

A. All applications for on-lot sewage disposal systems which propose to use an Individual Residential Spray Irrigation System as the treatment method shall be accompanied by one of the following:

1. An operation and maintenance agreement in form and substance satisfactory to the Township between the lot owner and an individual, firm, corporation or other legal entity experienced in the operation and maintenance of individual residential spray irrigation systems; or

2. An operation and maintenance agreement in form and substance satisfactory to the Township between the landowner and an association, trust or other legal entity, which is structured to provide, and which accepts the responsibility for, the proper operation and maintenance of the Individual Residential Spray Irrigation System.

B. Applications for Individual Residential Spray Irrigation Systems shall be accompanied by a financial guarantee in the form of an irrevocable letter of credit from a federally or Commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania; a lending or escrow account in such a lending institution; or other financial security acceptable to the Board as follows:

1. From the date the permit application is submitted to the SEO or Township and continuing for a period ending two years after the completed system installation is approved by the SEO, the amount of the financial guarantee shall be equal to the contract price for the installation of the Individual Residential Irrigation System and all piping, tankage, and other related system components.

2. Beginning two (2) years after the date the completed system's installation is approved by the SEO and continuing for the system's design life, the financial guarantee shall be reduced to an amount not less than ten (10%) percent of the actual construction cost for the installation of the Individual Residential Irrigation System and all piping, tankage, and other related system components.

C. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the Individual Residential Spray Irrigation System in the event that the owner:

1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications, or,

2. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this Ordinance, or,

3. Fails to conduct testing and monitoring at least annually or more frequently if required by DEP regulation and report the results of any laboratory analysis to the Township, or,

4. Voids, cancels, or terminates and fails to replace in a manner approved by the Township the agreement required by Subsection A of this Section.

D. The Township shall have the right to draw upon said financial guarantee and apply the funds to the repair, operation, or maintenance of the system when:

1. The system is not maintained according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications, or.

2. The treatment tank(s) are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Ordinance, or,

3. The testing and monitoring are not conducted according to the standards of this Ordinance, or,

4. The agreement required by Subsection A of the Section is voided, canceled, or terminated and is not replaced in a manner approved by the Township.

E. If at any time the Township draws on the financial guarantee, the Owner shall, upon ten (10) days written notice, provide the Township with such additional financial guarantees as are necessary to restore the amount of the financial guarantee to the amount then required pursuant to Section 6.B. above.

Section 7. Inspections.

A. An Authorized Agent may inspect any on-lot sewage disposal system at any reasonable time after the effective date of this ordinance, with the permission of the Owner or occupant of the property.

B. On-lot sewage disposal inspections can include a physical tour of the property, the taking of samples from surface waters, wells, other groundwater sources, the sampling of the contents of the on-lot sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served by said system to ascertain the path and ultimate destination of wastewater generated in the structure.

C. Each Owner, at the Owner’s cost and expense, shall arrange for and have an Authorized Agent of Pequea Township conduct an initial inspection conforming to the schedule in section 11 of this ordinance for the purpose of determining the type and functional status of each on-site sewage disposal system in each respective sewage management district. The Authorized Agent shall prepare a written report of the results of the inspection, a copy of which shall be furnished to the Owner of the property inspected and a copy of which shall be provided to Pequea Township to be maintained in the Township's records. The ultimate responsibility for insuring that Pequea Township has received a copy of such written report shall be upon Owner

D. After the initial inspection referred to in Section 7C above, each Owner, at the Owner's cost and expense, shall arrange for, and have performed, routine inspections by an Authorized Agent in conjunction with the minimum pumping schedule for that Owner's property as provided in Section 11 of this Ordinance, to assure the on-lot sewage disposal system continue to function properly. The Authorized Agent shall prepare a written report of the results of the inspection, a copy of which shall be furnished to the Owner of the property inspected and a copy of which shall be provided to Pequea Township to be maintained in the Township's records. The ultimate responsibility for insuring that Pequea Township has received a copy of such written report shall be upon the Owner

E. In the event an inspection reveals that an on-lot sewage disposal system is malfunctioning, Pequea Township and the Owner shall proceed in accordance with the provisions of Section 13 of this Ordinance.

F. If at any time there is a geographic area where numerous on-lot 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 a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning on-site 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 required whenever a malfunction, as determined by Pequea Township Officials and/or the Department, represents a serious public health or environmental threat.

Section 8. Operation.

A. Only normal domestic wastes shall be discharged into any on-lot 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 substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents; and

4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.

Section 9. Maintenance of Systems.

A. The owner of the property upon which an on-lot sewage disposal system is constructed shall at all times operate and maintain the on-lot sewage disposal system and the area around the

system in such condition as will permit it to function in the manner it was designed and to prevent a malfunction.

B. In an event a lot owner detects conditions that indicate or could reasonably indicate a malfunction, the lot owner shall contact the SEO and, if repair and replacement is necessary, apply for a permit to repair or replace the malfunctioning system within fourteen (14) days after the determination by the SEO that repair or replacement is necessary.

    1. Owners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure, provided that voluntary repairs are scheduled and commenced within sixty (60) days after the determination by the SEO that repair or replacement is necessary, and completed within ninety (90) days after the determination by the SEO that repair or replacement is necessary, unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended commencement and/or completion date.

    2. Notwithstanding the foregoing, the Township may compel or take immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.

    3. If a lot owner that has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may, in addition to any other rights or remedies available to it, may seek injunctive or other relief to compel the repair of the malfunction or cause the repairs to be effectuated. In the event the Township causes the repairs to be effectuated, all costs and expenses incurred by the Township in relation to the same shall be borne and paid by the lot owner upon demand, and shall constitute a lien against the property until paid.

C. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in Section 11 of this Ordinance. If a component's manufacturer recommends or requires a more frequent pumping interval than that contained in this ordinance, the Township shall be notified of that fact and that interval shall be deemed to be the minimum interval for pumping.

D. When an on-lot sewage disposal system's treatment tank(s) is/are pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.

E. Retaining tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than what is recommended by the manufacturer.

F. Upon completion of each required pumping, the pumper/hauler shall:

    1. Complete a Pumper Report;

    2. Deliver the original Pumper Report to the lot owner;

3. Deliver a copy of the Pumper Report to the Township by the 10th business day of the month following inspection and/or pumping; and

4. Prepare the report on Township provided forms.

G. The first time an on-lot sewage disposal system's tank(s) are pumped, the Pumper Reports shall include the following minimum information which shall be developed, discovered or otherwise obtained as the result of a system inspection conducted according to the then current Inspection Protocol of the Township *(Pequea Township On-Lot Sewage Disposal System Sludge Manifest):*

1. Date of pumping, tank capacity, and material

2. Name and address of system and lot owner

3. Property address where tank is located, if different from owner's

4. Description and diagram of the location of the (b and c if available):

   a) Treatment tank

   b) Risers

   c) Access hatches, pump tanks, filters, D-Box, absorption areas, etc. with distances relative to two fixed landmarks

5. Presence and condition of baffles in ALL tanks and ALL compartments

6. Permit number and date existing system was installed (if known, month/year)

7. List of maintenance performed (if available)

8. Indications of system malfunction observed

9. Amount (gallons) of septage, sludge, or other material removed

10. DEP Permit # and Site name for destination of the septage

11. Pumper/Hauler truck operator's & pumper/hauler business owner's signature(s).

H. Initial and periodic tank pumping shall be performed in accordance with these minimum standards unless an equipment manufacturer specifies other standards:

1. The main tank access (largest opening) shall be used to pump all tanks

2. Inspection ports shall not be used for pumping

3. Septage shall be removed to a depth no greater than one (1) inch to the bottom of tank; if necessary, back flushing shall be employed to achieve this standard.

I. Periodic tank pumping shall include an inspection and a report to the Township on forms provided by the Township regarding the presence of any or all of the following:

1. Defective tank components (lids, baffles, dividers, etc.)

2. Water level above outlet pipe elevation

3. Back-flow from the absorption area following pump out

4. Inflow from the building(s) served to verify connection to the building(s)

5. Presence of surface discharge, ponding or other signs of malfunction in the vicinity of the absorption area.

J. Any person owning a building served by an aerobic treatment tank or an on-lot sewage disposal system, which includes any electrically, mechanically, hydraulically, or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment's manufacturer.

1. If not on file with Township, a copy of the manufacturer's recommendations and owner's manual shall accompany the Pumper's report the first time the system is pumped after the effective date of this Ordinance.

2. Owners of systems with components requiring periodic maintenance shall submit receipts as proof that maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturer.

3. In no event shall the service or pumping intervals extend beyond those established in Section 11 of this Ordinance unless relief is granted by the SEO pursuant to the provisions of Section 17.D.of this ordinance.

4. At the time of the first inspection / pumping the system owner must have all risers installed and raised to grade of the land if not already pre-existing.

K. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, servicing or repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, and diversion of surface water away from soil absorption areas.

L. In addition to the foregoing, grease traps shall be inspected a minimum of every six (6) months and pumped out a minimum of once a year. Grease shall be pumped out, hauled and disposed of in accordance with the same requirements as septage. The grease trap baffles and structural integrity shall be checked each time the trap is pumped out. A written statement from the pumper/hauler stating that the grease trap is in good working order shall be provided to the Township; otherwise the Township shall be promptly notified in writing of any deficiencies found.

Section 10. Pumper / Hauler Business Registration.

A. All pumper/hauler businesses operating within the Township shall annually, by the last business day of December:

1. Register with the Township and comply with all reporting requirements established herein;

2. Operate in a manner consistent with the provisions set forth by the Township

3. Provide a current fee schedule for all services required under this ordinance; and

4. Provide documentation that all septage pumped from properties within the Township boundaries will be delivered to a DEP approved site or facility.

Section 11. Maintenance District Created.

A. The Township of Pequea is hereby designated as a maintenance district.

B. Every on-lot sewage disposal system in the Township of Pequea shall be inspected and every tank associated with every such system shall be pumped, in accordance with the provisions of this Ordinance, at least one time by December 31, 2016. Notwithstanding the immediately preceding sentence, if an Owner had their system pumped within two (2) years immediately prior to the date of adoption of this Ordinance, and acceptable written proof of such pumping is submitted to the Township on or before the date initial system inspection and pumping of that system is otherwise required pursuant to the provisions of this Ordinance, the Owner shall have until December 31, 2016 to have their system initially inspected. *(For Example: Owner has his/her system pumped in April of 2014, assuming April 2016 adoption of ordinance, and therefore would not be required to pump the system but is required to have the system inspected by an authorized agent and submit the inspection form provided by the Township. The form is completed by the authorized agent of the Township)*

C. The initial inspection shall comply with the requirements of Section 9 in this Ordinance

D. After the initial inspection and pumping, all tanks in all on-lot sewage disposal systems shall be pumped out at a minimum regular interval of once every three (3) years from the year of either the initial pumping or a subsequent pumping. All inspections and pumping shall be performed by an Authorized Agent, arranged for by the property Owner, at the Owner's cost and expense. The Authorized Agent shall prepare a written report of the results of the inspection and a certification that the tank has been pumped, a copy of which shall be furnished to the Owner of the property inspected/pumped and a copy of which shall be provided to Pequea Township to be maintained in the Township's records. The ultimate responsibility for insuring that Pequea Township has received a copy of such written report shall be upon Owner.

E. Owners may choose to have their system inspected and tanks pumped out more frequently than required by this Section of the Ordinance. In the event of a more frequent inspection and pumping performed by an Authorized Agent, and the receipt by Pequea Township of the report and certification by such Authorized Agent as specified in Section 11.D above, the date of the subsequent required regular inspection and pump out shall be deemed to be the last day of the month three (3) years after such voluntary inspection and pump out. The ultimate responsibility for insuring that Pequea Township has received a copy of such written report shall be upon Owner.

F. With the permission of the Owner or occupant of the property, Inspections may also include, but are not limited to:

1. Taking of samples from surface water, wells, other groundwater sources;

2. Sampling of the contents of the on-lot sewage disposal systems; and

3. Introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and/or ultimate destination of wastewater generated in the structure.

In the event an Owner or occupant shall refuse permission for any additional inspections which the Authorized Agent believes to be necessary to make an adequate determination as to whether the on-lot sewage disposal system is functioning properly and/or the extent of any malfunction, the Authorized Agent shall note that fact in the written report issued by the Authorized Agent.

G. In the event Pequea Township shall not have received a copy of the required written inspection/pumping report for any property by the expiration of the inspection/pumping period applicable to that property, Pequea Township shall provide written notification of that fact by United States registered or certified mail to the Owner at the address of the Owner as set forth in the Lancaster County real estate tax assessment records, and request the Owner to provide a copy of the required written report to the Pequea Township within thirty (30) days of the date of such notice. Failure of the Owner to provide a copy of the required written report to the Pequea Township within thirty (30) days of the date of such notice shall constitute a violation of this Ordinance.

H. Prior to entry for inspection, the Township shall provide an advance notice to the occupant of a property to enable the occupant of that property to be personally present or be represented by an agent at the time of such entry.

I. Advance notice shall be given at least twenty-four (24) hours prior to entry, unless waived, and shall be by any of the following:

1. Telephone;

2. First Class United States mail, postage prepaid;

3. A written notice posted at the entrance to the structure or other place where it is likely to be seen by the owner or occupant; or

4. If the property appears to be vacant, notice shall be given by ordinary U.S. mail to the owner of record at the last known address, which appears in the records of the Tax Assessor's Office of Lancaster County.

    a) The notice shall be mailed at least seven (7) days prior to the intended entry date.

    b) Where the owner's name and/or address are not known, the notice shall be given by posting as described in subsection 3 above.

J. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection established in this Ordinance. All costs of obtaining a search warrant, including but not limited to all legal fees and expenses, shall be borne by the landowner, be payable on demand and shall be lienable as claims made against the property to the extent allowed by law.

K. No provision of this Ordinance shall require notice to be given before entry where it can be observed from a public street that an on-lot sewage disposal system is malfunctioning or being operated improperly.

Section 12. Abating Health Hazards.

A. In the event of a suspected or reported malfunction, the SEO or other Authorized Agent shall attempt to contact the Owner and/or occupant of the property to obtain permission to enter upon that property during reasonable hours for the purposes of further inspection to attempt to determine whether a malfunction does in fact exist and the extent of the same. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection. If a search warrant is obtained and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Pequea Township in obtaining the search warrant, including but not limited to all legal fees and expenses, shall be borne by the Owner, be payable on demand and shall be lienable as a municipal claim against the property to the extent allowed by law.

B. If the property appears to be vacant, written notice shall be given by the SEO or other Authorized Agent, by registered or certified and ordinary United States Mail to the address of the Owner as set forth in the Lancaster County real estate tax assessment records, and by posting a copy of the same at the entrance to the structure or other place where it is likely to be seen by the Owner or occupant, informing such Owner that Pequea Township desires access to the property to inspect the same for a possible on-lot sewage disposal system malfunction, and advising the Owner that if no objection to such desired access to the property is received by the SEO or other Authorized Officer who sent the notice within ten (10) days of the date of the Notice, it will be presumed that the SEO or other Authorized Officer has permission to enter in and upon such property for making such inspection. If the Owner or occupant does notify the SEO or other Authorized Officer who sent the notice within ten (10) days of the date of the Notice, or at the time of the desired inspection, that they will not permit access to the property, the Township shall proceed according to law to obtain a search warrant and conduct the inspection. If a search warrant is obtained and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Pequea Township in obtaining the search warrant, including but not limited to all legal fees and expenses, shall be borne by the Owner, be payable on demand and shall be lienable as a municipal claim against the property to the extent allowed by law.

C. If an inspection reveals that an on-lot sewage disposal system is malfunctioning, or if a malfunction can be observed from an off-property location without an on-property inspection being conducted, the Township shall follow the procedures set forth in Section 13 of this Ordinance.

D. In the event that an Owner fails to fully perform Owner's responsibilities as set forth in Section 13 of this Ordinance after being provided with notice from the Township as provided therein, upon written report from the SEO that an imminent health hazard exists due to the failure of a property owner to properly operate, maintain, repair or replace an on-lot sewage disposal system as required by the provisions of this Ordinance, the Board shall have the authority to perform or contract to have performed, any repairs or replacements as may be directed by the SEO or the DEP to abate the health hazard.

E. All costs, fees, and expenses of any such repairs or replacements, including but not limited to the costs for actual repairs, repair permits and site investigations in support of the permit, as well as all other costs, fees and expenses, including but not limited to legal fees, related to any enforcement or collection efforts on the part of the Township, shall be borne and paid by the Owner upon demand, and the Township may take whatever action necessary to recover these costs, fees and expenses in accordance with law, including entering a lien against the property.

F. In addition to the foregoing, but not in limitation thereof, the Township may also seek injunctive relief to prevent continued use the property serviced by a malfunctioning on-lot

sewage disposal system, as well as pursue any and all other rights and remedies as provided by this Ordinance or which may be otherwise available to the Township at law or in equity.

Section 13. System Rehabilitation.

A. The Township shall require corrective action whenever a malfunction is identified.

1. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township on which is found a malfunctioning on-lot sewage disposal system, or on which raw or partially treated sewage is being discharged without a permit.

2. Within fourteen (14) days of notification by the Township that a malfunction has been identified, the owner shall make application to the Township for a repair permit to abate the malfunction.

3. Within sixty (60) days of the original notification by the Township, construction of the permitted repair or replacement shall commence unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended commencement date.

4. Within ninety (90) days of the original notification by the Township, the repair or replacement shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

B. The Township shall require, or may take, immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.

C. The SEO shall require the repair of malfunctions by any of the following methods, either individually or in combination, which are consistent with the DEP's policies regarding Best Technical Guidance (BTG):

1. Cleaning

2. Repair and/or replacement of components of the existing system

3. Adding capacity or otherwise altering or replacing the system's treatment tank

4. Expanding or replacing the existing absorption area

5. Replacing a gravity distribution system with a pressurized system

6. Replacing the system with a holding tank

7. Installation or replacement of existing water consuming devices, fixtures or equipment with water conserving devices, fixtures or equipment and/or the institution of water conservation practices noted by the Sewage Enforcement Officer and submitted to the Township.

8. Limiting or eliminating the use of laundry facilities noted by the Sewage Enforcement Officer and submitted to the Township.

9. Other alternatives as appropriate for the specific site to lessen or mitigate the malfunction to the greatest extent possible.

D. If total correction cannot be done in accordance with the regulations of DEP, including, but not limited to, those outlined in Chapter 73 of Title 25 of the Pennsylvania Code; or, is not technically or financially feasible in the opinion of the SEO and a representative of DEP; then partial correction of the malfunction is required by the lot owner in a manner satisfactory to the SEO and the DEP.

E. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot system, the owner may be required to apply for a permit to install a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.

Section 14. Liens.

A. The Township, upon written notice from an SEO pursuant to Section 13D of this Ordinance that 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 Ordinance, shall have the authority to perform, or contract to have performed, the work to correct or abate the malfunction, and the Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor against the property in accordance with law.

Section 15. Disposal of Septage.

A. All septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. subsection 6018.101 et seq.) and other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: sewage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

B. Pumper/Haulers of septage operating within the Township shall operate in a manner consistent with the provisions set forth by the Township and all other applicable laws.

Section 16. Administration.

A. The Township shall fully utilize those powers it possesses through enabling statutes, regulations and ordinances to effectuate 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 may include an administrator 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, maintenance and malfunction of on-lot sewage disposal systems in the Township shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the municipal 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 DEP.

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

E. The Board may by resolution establish and revise forms, a fee schedule, and authorize the collection of fees to cover the costs of the Township, in administering this ordinance.

Section 17. Appeals, Hearings and Requests for Relief.

A. Appeals from the determination of the Sewage Enforcement Officer or other Authorized Agent under this Ordinance, shall be filed with the Board of Supervisors. Such appeals shall be in writing, signed by the Appellant, addressed to Board of Supervisors at the Township's Business Office and be filed within thirty (30) days of the date of the determination appealed from. The appeal shall set forth the determination appealed from, the reason or basis for the appeal and the relief sought.

B. Hearings – the Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No.353), known as the "Local Agency Law", and in accordance with the following requirements:

1. Written Notice shall be given to the Appellant, the Sewage Enforcement Officer or other Authorized Agent whose determination is being appealed and such other persons as the Municipality shall designate by ordinance, to any person who has made timely request for the same and to such other persons as the Board of Supervisors shall determine. Written Notice shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but shall be given not less than fifteen (15) days prior to said hearing.

2. The Municipality may prescribe reasonable fees with respect to hearings, which may include Notice and Advertising costs and necessary administrative overhead connected with the hearing.

3. The hearing shall be held within sixty (60) days after the date the appeal is properly filed with the Board of Supervisors, unless the Appellant has agreed, in writing, to an extension of time.

4. The hearing shall be conducted by the Board of Supervisors, two (2) of the members of which shall constitute a quorum.

5. The decision of the Board of Supervisors shall be made in writing within forty-five (45) days after the conclusion of the hearing, unless the Appellant has agreed, in writing, to an extension of time, and shall be communicated to the Appellant and any other parties who have entered their written appearance and requested a copy of the decision, at the addresses provided by them either by personal delivery or by United States First Class Mail, postage prepaid.

6. The Chairman or acting Chairman of the Board of Supervisors or presiding officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence. Reasonable examination and cross-examination shall be permitted.

8. Formal Rules of Evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

9. The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.

10. The Board of Supervisors shall not communicate directly or indirectly with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memorandum, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given an opportunity to be present.

C. Relief from Replacement Area Requirement

1. If any unimproved lot held in single and separate ownership, which is in existence upon the effective date of this ordinance, does not contain suitable land for both a Primary and Replacement Absorption Area, the Owner may apply to the SEO for relief from the requirement for a Replacement Absorption Area.

2. At a minimum, Owners seeking relief shall present documentation or other evidence to the SEO demonstrating:

   a) That the lot was held in single and separate ownership on the effective date of this Ordinance and continues to be so held;

   b) The size of the lot;

   c) The locations and results of soil evaluations and tests conducted on the lot which establish that the soil conditions on the lot are of an extent and/or nature that only a Primary Absorption Area can exist on the lot;

   d) The inability of the Owner to acquire adjacent land suitable to be used for a Replacement Absorption Area; and

   e) Any other information which the Owner believes supports the Owner's request.

Within twenty-one (21) days after complete receipt of the foregoing by the SEO, the SEO, after conducting such site inspections as are deemed reasonably necessary by the SEO to enable a determination to be made, shall render a written determination to the Owner granting or denying the request. Failure of the SEO to render a written determination within said twenty-one (21) day period shall be deemed to be a denial of the request.

D. No lot shall be completely exempted from the requirements of Section 11 of this Ordinance regarding initial system inspection and/or periodic tank pumping.

1. The required pump-out frequency for treatment tanks may be altered by the Township. The SEO may reduce (shorten) the interval between pump outs to assure proper operation of the system based on:

   a) Loading rates which are greater than described in the permit for the system; or,

   b) For other good cause.

2. The SEO may lengthen the required pump out interval upon application where the owner can demonstrate that the system can operate properly without the need for pump-

out for a period longer than three (3) years, provided that supporting documents conclusively verify:

a) Reduced system loading; or,

b) Accumulation of sludge, scum or other residual materials to a level of less than one third the liquid capacity of the tank; or,

c) For aerobic tanks, the manufacturer's recommendations that indicate a greater interval are appropriate;

d) A report from the SEO resulting from a site evaluation indicating that no apparent malfunction exists on the property;

e) The system is consistent with the permit that was issued for the property.

f) The maximum occupancy of a residence has not exceeded a total of two (2) persons for the previous year. This exception is specifically limited from the date of granting.

3. Any altered pumping frequency shall automatically end when the factors upon which the altered requirements are predicated are removed or are no longer applicable.

Section 18. Environmental Impact Assessment

A. After the effective date of this Ordinance, no requests for approvals of Planning Modules for Land Development and no revisions or supplements to the Official Plan shall be considered by the Board of Supervisors without the preparation of a preliminary hydrogeologic study prepared in accordance with DEP requirements.

Section 19. Violations / Penalties / Suspensions.

A. This Ordinance shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine not to exceed Three Hundred and 00/100 ($300.00) Dollars per violation and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Each section of this Ordinance that is violated shall also constitute a separate violation. Further, the appropriate officers or agents of Pequea Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance.
All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Pequea Township for its general use.

B. Any pumper/hauler which has been convicted on two (2) occasions for violations of this Ordinance, or with respect to which a final determination has been made by the DEP or a Court of competent jurisdiction that there has been a violation of the conditions of the pumper/hauler's DEP permit relating to the handling, treatment, or disposition of septage materials, or of any State law or other Township ordinance governing the operations of the pumper/hauler, shall be barred from operating within the Township for a period of not less than six (6) months nor more than two (2) years, as determined by the Board.

C. The foregoing rights and remedies are in addition to any other rights and/or remedies available to the Township in equity or at law, including but not limited to, assessment of civil penalties as described in the Pennsylvania Sewage Facilities Act.

Section 20. Severability.

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 21. Repealer.

All other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency only and no further.

Section 22. Effective Date

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an Ordinance this __28th____ day of March, 2016.

BOARDOF SUPERVISORS OF PEQUEA TOWNSHIP

By: Cynthia Evans-Herr
Chairman

By: Bill Schall
Vice-Chairman

By: Robert Race
Supervisor

ATTEST:

Cynthia Evans-Herr
Township Secretary