

Chapter 116
SEWER MANAGEMENT

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[HISTORY: Adopted by the Board of Supervisors of the Township of Pennsbury 10-20-1997 by Ord. No. 1997-4. Amendments noted where applicable.]

§ 116-1. Short title; introduction; purpose.

- A. This chapter shall be known and may be cited as “An ordinance providing for a Sewage Management Program for Pennsbury Township.”
- B. In accordance with municipal codes, the Clean Streams Law (Act of June 22, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§ 691.1 to 691.1001, and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. § 750.1 et seq., known as Act 537), specifically Title 25, Chapter 71, Section 71.71, it is the power and the duty of Pennsbury Township to provide for adequate sewage treatment facilities and for the protection of the public health by prohibiting the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Pennsbury Township states that it is necessary to formulate and implement an on-lot management program to require the pumping of all individual on-lot systems in the township so as to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this chapter is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

§ 116-2. Definitions.

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

AUTHORIZED AGENT — The Township Code Enforcement Officer, the Township Manager, the Township Engineer, or any enforcement officer employed or appointed by the Chester County Health Department or the PA Department of Environmental Protection (DEP).

BOARD — The Board of Supervisors of Pennsbury Township, Chester County, Pennsylvania.

COMMUNITY ON-LOT SEWAGE SYSTEM (COLDS) — Any system, whether publicly or privately owned, for the collection of sewage of a liquid nature for two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other location for final disposal in whole or in part into the soil. This includes land application by spray irrigation.

LOT — A designated parcel, tract or area of land, established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MALFUNCTION — A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this commonwealth, into surface waters of this commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

ON-LOT SEWAGE SYSTEM — A system of piping, treatment tanks, and or other facilities serving a single lot and collecting, treating and disposing of sewage into a subsurface absorption area or spray irrigation system.

PERSON — Any individual, partnership, corporation or other legal entity.

RETAINING TANK (ALSO CALLED A HOLDING TANK) — A watertight receptacle which receives and retains sewage and is designed and constructed to hold sewage pending the ultimate disposal of the sewage at another site.

SEWAGE — Any substance that contains any of the waste products or excrement or any 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. 394) known as "The Clean Streams Law," as amended.¹

SEWAGE ENFORCEMENT OFFICER — An employee of The Chester County Health Department and/or The Pennsylvania Department of Environmental Protection (DEP).

TOWNSHIP — Pennsbury Township, Chester County, Pa.

TREATMENT TANK — A watertight receptacle which receives the discharge of sewage from a house or building sewer line and is designed and constructed so as to permit settling of settleable solids from the liquid digestion of the organic matter by detention and discharge of the liquid portion into a distribution system or pit for underground dispersion or elevated sand mound, individual spray irrigation. Treatment tanks include septic tanks, cesspools, aerobic units and the like.

¹ Editor's Note: See 35 P.S. § 691.1 et seq.

§ 116-3. Requirements.

- A. The requirements of this chapter shall be effective throughout the municipal limits of Pennsbury Township, Chester County.
- B. Operation, maintenance and repair.
 - (1) The operation, maintenance and repair of an individual on-lot sewage system shall be the responsibility of the lot owner, provided however, that maintenance and repair shall be subject to the continuing surveillance and inspection of the township, its authorized agents and/or a Sewage Enforcement Officer.
 - (2) It shall be the responsibility of the owner of a lot which utilizes an on-lot sewage disposal system to have it pumped in accordance with the schedule set forth in Article IV of this chapter and to make such other repairs or replacements as are necessary to prevent the malfunctioning of the system.
 - (3) Prior to the construction, repair and/or replacement of an individual on-lot disposal system, a lot owner shall first obtain a permit from the Chester County Health Department.

§ 116-4. On-lot/colds system maintenance.

- A. Treatment tank systems.
 - (1) The owner of a lot which uses a treatment tank system must have the tank(s) pumped and the contents disposed of at a licensed sewage disposal facility at least once every three years by a Chester County Health Department licensed septic tank contractor. Every owner of a treatment tank system existing on any lot on the effective date of this chapter shall submit proof of the required pumping and disposal to the Township's Code Enforcement Officer not later than December 31, 2000 as shall be acceptable to said officer. Such proof shall be submitted to the Code Enforcement Officer demonstrating pumping and disposal of the system's contents within the preceding twelve-month period at least once every three years. The owner of a system installed after the effective date of this chapter shall henceforth pump his system once every three years following date of installation and shall furnish proof to the Code Enforcement Officer as above.
 - (2) As an alternative to the above, if the owner of a lot with a treatment tank has the tank inspected during the above mentioned time period by a Chester County Health Department licensed septic tank contractor and the licensed septic tank contractor certifies that the treatment tank currently does not require pumping and that pumping most likely will not be required before the year 2003, the lot owner will not be required to have the treatment tank pumped at the time of inspection. Beginning with the year 2003, to avoid pumping at the time of the required inspection, the licensed septic tank contractor must certify that most likely the tank will not require pumping before the next inspection year. The results of each inspection must be reported by the contractor to the township on a form provided by the township. While the licensed septic tank contractor has the initial responsibility for reporting inspection and pumping results, the final responsibility belongs to the lot owner since it is the lot

owner who will be subjected to any penalties that may occur due to noncompliance with this chapter.

- B. Retaining tanks. The owner of a lot utilizing a retaining tank(s) or a sewage treatment system designed or operated as a retaining tank on the effective date of this chapter shall enter into a written contract with a Chester County Health Department licensed septic tank contractor requiring periodic pumping and disposal of the tank's contents in accordance with the schedule required by the permit which authorized the installation and use of the retaining system. A copy of the contract shall be filed by the owner with the Code Enforcement Officer by August 31, 1998 and annually thereafter and shall be in effect and valid for a period of at least one year. The owner of a system installed after the effective date of this chapter shall submit the required contract to the Code Enforcement Officer within one year of the installation and annually thereafter.
- C. Stream discharge systems. The owner of a lot on which a stream discharge sewerage system approved and permitted by the PaDEP has been installed shall register the system with the township within 90 days following the effective date of this chapter by filing a copy of the current PaDEP permit, together with any other information required by the Code Enforcement Officer to verify the current validity of the permit and copies of any tests verifying the system's operational integrity performed during the 12 months immediately preceding the registration. The owner of a system installed after the effective date of this chapter shall register the system with the township within 90 days of such installation.
- D. Community on-lot disposal systems (COLDS). The operator(s) of any COLDS system shall submit regular reports to the township. Reports shall be in the PaDEP format for Waste Management (Chapter 94) and Discharge Management reports.
- E. Compliance. Failure to comply with the provisions of Subsections A through D of this § 116-4 shall constitute a violation of this chapter, subjecting the owner of the property on which the system is installed to the enforcement and penalty provisions of §§ 116-5 and 116-6 of this chapter.
- F. Classification: If the type of on-lot sewage system is unknown, it shall be classified as a treatment tank system.
- G. Promulgation of regulations and required proof: In addition to the requirements specific in this § 116-4, the Board may, by resolution, promulgate such forms and regulations for the administration and enforcement of this chapter as it shall determine necessary. Failure of a lot owner to receive or secure any required form shall not constitute a defense to the enforcement or penalty provisions of this chapter.

§ 116-5. Enforcement and appeals.

- A. The Township's Code Enforcement Officer shall have the power and authority to determine all issues relating to compliance with the provisions of this chapter, and to bring and prosecute in the name of the township enforcement and penalty proceeding for violations of its provisions.

- B. Appeals from the Code Enforcement Officer's determinations or interpretations of the provisions of this chapter may be filed with the Board within 30 days from the date of such determination or interpretation. Appeals shall be heard and determined in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A. § 551, et seq. The Board may request documentation and consult with the Township Engineer or other competent authorities as it determines necessary for a just resolution of the appeal, and may impose the reasonable costs thereon upon the appellant; provided, however, that the Board shall have no jurisdiction to hear or determine any appeal from the action of the Code Enforcement Officer in prosecuting a violation of this chapter in a summary proceeding before a District Justice.

§ 116-6. Violations and penalties.

Any person who violates any provision of this chapter or who fails to comply with any of its provisions or regulation promulgated hereunder or who fails or refuses to comply with any lawful notice, order or direction of the Code Enforcement Officer or authorized agent issued pursuant to this chapter shall upon conviction be guilty of a summary offense, and, upon conviction by a District Justice, shall pay a fine of not less than \$100 nor more than \$1,000, together with the costs of prosecution, and, upon default in payment of the fine and costs, shall be subject to imprisonment in the County Prison for a term not exceeding 90 days. Each day during which any violation of this chapter continues shall constitute a separate offense punishable by like fine imprisonment.

§ 116-7. Inspection.

- A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this chapter.
- B. Such inspection may include a physical tour of the property.
- C. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the township.
- D. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should an inspection reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of the 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 authorized agent and a representative of DEP, then action by the property owner to mitigate the malfunction shall be required.

§ 116-8. Fee schedule.

The Board of Supervisors may by resolution adopt a fee schedule for the administration of this chapter. Said schedule shall be kept on file by the Township Manager and posted in the township building.