

**Howe Township
Howe County, Pennsylvania**

Ordinance No.: 2015-02

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE
INSPECTION, MAINTENANCE, OPERATION,
REHABILITATION, AND ADMINISTRATION (INCLUDING
PENALTIES FOR VIOLATION THEREOF) OF MUNICIPAL
MANAGEMENT OF INDIVIDUAL AND COMMUNITY ON-LOT
SEWAGE DISPOSAL SYSTEMS IN HOWE TOWNSHIP, PERRY
COUNTY, PENNSYLVANIA

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Howe Township, Perry County, Pennsylvania, as follows:

SECTION 1. The Code of Ordinances of Howe Township, Perry County is hereby amended by adding the following Ordinance:

ON-LOT SEWAGE DISPOSAL SYSTEMS MANAGEMENT

Section 1. 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.).

The Howe Township Act 537 Official Wastewater Facilities Plan has evaluated the need to provide adequate sewage facilities and has found the formation of an On-Lot Sewage Disposal Systems Management Program to be an effective method of preventing and abating water pollution and hazards to the public health.

B. PURPOSE.

1. The purpose of this Ordinance is as follows:

- a. To bring and keep the municipality within the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394), as amended, and the Pennsylvania Sewage Facilities Act (Act of 1966 P.L. 1535,

No. 537, as amended, known as Act 537),

- b. To provide for inspection, pumping, maintenance, and rehabilitation of private and public on-lot sewage disposal systems, and
- c. To establish penalties and appeal procedures necessary for the proper administration of such a management program.

C. APPLICABILITY.

From the effective date of this Ordinance, its provisions shall apply in all portions of Howe Township not otherwise served by public sanitary sewer. The provisions of this Ordinance shall apply to all persons, and all other entities owning any property serviced by On-Lot Sewage Disposal Systems.

Section 2. DEFINITIONS.

Act 537 - The Act of January 24, 1966, PL 1535 as amended, 35 P.S. Section 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 Ordinance within specified limits.

Board - The Board of Supervisors, Howe Township, Perry 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 (2) or more lots, and the treatment and/or disposal of the sewage on one (1) or more lots or at any other site.

Department - The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP) or successor agency.

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.

Malfunction - The condition occurring when an On-Lot Sewage Disposal 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, 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 Howe Township Act 537 Plan, as amended and supplemented from time to time.

On-Lot Sewage Disposal System ("OLSDS") - Any system for disposal of sewage involving pre-treatment and subsequent disposal of the clarified effluence 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 Ordinance and other administrative requirements adopted by the Township to effectively enforce and administer this Ordinance.

Pumping Certification - A properly executed Perry County Solid Waste and Refuse Authority Sludge/Septage Manifest.

Qualified pumper/hauler - Person or organization licensed by the Perry County Solid Waste Authority to conduct septage pumping and hauling within Perry County.

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

Septic System Report - Perry County Solid Waste and Refuse Sludge/Septage Manifest form to be completed by the qualified pumper/hauler and forwarded to the Township after each inspection and/or pumping.

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 agent of the Township, certified by the Department, to issue and review permit applications and conduct such investigations and

inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

Township - Howe Township, Perry County, Pennsylvania

Section 3. INSPECTIONS.

- A. An initial inspection and subsequent periodic inspections shall be conducted when an OLSDS is pumped. Inspections shall be conducted by a qualified pumper/hauler for the purpose of determining the functional status of the OLSDS. The individual property owner is responsible to contact and make arrangements directly with the pumper/hauler.
- B. A written report of the inspection shall be prepared by the pumper/hauler and furnished to the owner of each property inspected. The pumper/hauler shall provide a copy of the said report to the Township within thirty (30) days of the inspection.
- C. Written reports shall be recorded on the Perry County Sludge/Septage Manifest and Report form. The pumper/hauler shall fully complete the form to address all requested information.
- D. An authorized agent of the Township shall inspect any OLSDS known to be, or alleged to be malfunctioning. Should the 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 OLSDS at any time given reasonable notice.
 - 2. An authorized agent of the Township shall have the right to enter upon land 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 ground water sources, the sampling of contents of the OLSDS 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.

Section 4. MAINTENANCE.

- A. The Township shall notify all owners of property served by an OLSDS that their system must be pumped by the end of the calendar year in which the letter is received. The Township shall follow a schedule whereby one-fifth (1/5) of all the owners of properties within the Township served by an OLSDS are notified annually

of the pumping requirement, such that all owners are notified once every five (5) years. The property owner must have his/her OLSDS pumped within the time specified in the Township's letter, unless he or she can provide the Township with Pumping Certification indicating that the OLSDS was pumped within a one (1) year time period 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 thirty (30) days of the date of the pumping. The pumper/hauler shall mail or hand-deliver the Septic System Report to the Township, c/o Juniata Sewage Committee, 392 N. Ridge Road, Mifflintown, PA 17059.

- B. Commencing from the date of pumping as prescribed in subparagraph A. above, removal of septage or other solids from treatment tanks shall be performed at least once every five (5) years thereafter. The pumper/hauler shall furnish a copy of the Septic System Report to the Township within thirty (30) days of the date of the pumping. Septic System Reports may be mailed or hand-delivered as described above.
- C. The Township SEO may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Township SEO that the system can operate properly without the need for pump-out for a period longer than five (5) years. In no case shall such period extend beyond six (6) years. Such a request may be made after the initial pumping and inspection and at any time thereafter. Requests must be in writing with all supporting documents attached and submitted to the Township for due consideration by the Township SEO. In the event the Township's SEO approves such extension, the property owner shall be responsible to notify the Township's SEO of any change in the conditions upon which the extension was based.

In making its determination, the Township SEO shall take into account any information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system, reports of inspection and maintenance of the system, including documentation that the sludge depth and/or scum layer is less than one-third (1/3) of the tank capacity as determined by a registered hauler at the time the system is pumped, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection (surface or subsurface), and any soil or waste sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within sixty (60) days of accumulation of all necessary information by the Township SEO.

- 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 marginal or 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.
- G. Any person owning a building served by an OLSDS 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.
- I. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, back-up, and other malfunctions characteristic of an overloaded system.
- J. Each time a septic tank or other subsurface waste disposal system tank is pumped, the contracted pumper 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 OLSDS 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 OLSDS 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 OLSDS is constructed shall, at all times, operate and maintain the OLSDS 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.

Section 5. OPERATION.

- A. Only sewage and normal domestic wastes shall be discharged into any OLSDS. The following shall not be discharged into the system:
1. Industrial wastes
 2. Automobile oil and other non-domestic 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 OLSDS treatment tank.

Section 6. REHABILITATION.

- A. Any OLSDS or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to direction of the Township or its Authorized Agent and to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with "Chapter 73, Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations, Department of Environmental Protection. The Township SEO shall inspect the rehabilitated OLSDS and certify its compliance with local and state standards, including the requirement to secure a Township permit to repair the OLSDS or component thereof.

Section 7. EMERGENCY REPAIRS; LIENS.

- A. When an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace an OLSDS as provided under the terms of this Ordinance, 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.

Section 8. DISPOSAL OF SEPTAGE.

- A. All septage originating within the Township shall be disposed of at sites or facilities approved by the Pennsylvania DEP for the acceptance of septage.
- B. Only pumpers/haulers licensed by the Perry County Solid Waste and Refuse Authority to operate within Perry County shall be utilized.

Section 9. ADMINISTRATION.

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of the Ordinance. Those employees may include the SEO, the Codes Enforcement Officer, the secretary, the manager, or other qualified persons as designated by the Township. The Township may also contract with other private qualified persons or firms as necessary to carry out the provisions of this Ordinance.
- C. All permits, records, reports, files and other written material relating to the installation, operation, maintenance, and malfunction of OLSDS 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 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 in accordance with the Pennsylvania Right-To-Know Law, as amended from time to time.
- D. The Township may establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- E. The Township shall establish a fee schedule and subsequently collect fees to cover the cost of administering the OLSDS maintenance program. The Township may set fees by properly enacting a resolution from time to time.

Section 10. APPEALS.

- A. Appeals from decisions made under this Ordinance shall be made to the Board of Supervisors in writing within thirty (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 fourteen (14) days prior to that meeting. If the appeal is not received within fourteen (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. Evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

- C. A decision shall be rendered in writing within sixty (60) days of the date of the hearing. If a decision is not rendered within sixty (60) days, the relief sought by the appellant shall be deemed granted.

Section 11. PENALTIES.

- A. Any person who shall violate or fail to comply with any provision of this Ordinance shall, upon conviction thereof by a summary proceeding action brought before a Magisterial District Judge 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 One Hundred (\$100) Dollars, nor more than One Thousand (\$1,000) Dollars, 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 Ordinance shall constitute a separate offense.
- B. The discharge by the Township of its obligations as set forth in this Ordinance shall create no liability upon the Township, its officials, employees or agents.
- C. All reports, inspections, appraisals, certification or records required or produced by the Township, its officials, employees or agents, as required by this Ordinance, 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.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall become effective in accordance with law. The implementation of this Ordinance and the provisions contained herein will be effective commencing January 1, 2006.

SECTION 3. SEVERABILITY.

In the event that any provision, section, sentence, clause or part of this Ordinance shall be 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 Howe Township that such remainder shall be and shall remain in full force and effect.

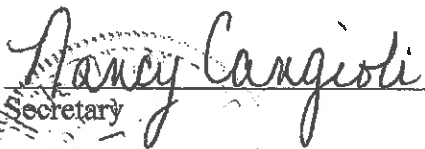
SECTION 4.

RELATIONSHIP TO OTHER ORDINANCES.

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED this 2 day of July, 2015.

ATTEST:


Secretary

HOWE TOWNSHIP
BOARD OF SUPERVISORS


Chairman


Vice-Chairman


Supervisor