

## CHAPTER 18

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**Part 1**

**Sewage Facilities Regulations**

**§101. Short Title.**

This Part shall be known as “The Conewago Township Sewage Facilities Regulations.”

(Ord. 1981-1, 3/11/1981, §1)

**§102. Minimum Standards Adopted.**

The procedures and standards established herein for the regulation of sewage systems and related systems and related testing are those adopted from the Sewage Facilities Act and the regulations, standards and practices of the Pennsylvania Department of Environmental Protection promulgated pursuant to said Act, which regulations, standards and practices, as may be revised from time to time, are intended to serve as reference minimum standards for the Township. Particularly, the “Standards for Sewage Disposal Systems” established in the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as may from time to time be revised, shall be the minimum standards of the Township for the design, installation and operation of such systems. A copy of these standards shall be supplied on request, to any applicant, by the Sewage Enforcement Officer.

(Ord. 1981-1, 3/11/1981, §2; as amended by Ord. 1997-1, 1/6/1997)

**§103. Conformity with Provisions Required.**

The construction, installation, alteration, extension or repair of any sewage system, any part thereof, or any disposal or treatment plant, in the Township, shall be in accordance with the procedures, practices and standards established herein, either directly or by reference.

(Ord. 1981-1, 3/11/1981, §3)

**§104. Suitability of Land for Development or Subdivision.**

The requirements for assuring the suitability of lands proposed for land development or subdivision shall be in accordance with the procedures, practices and standards established herein, either directly or by reference.

(Ord. 1981-1, 3/11/1981, §4)

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### **§105. Certain Work to be Done in Compliance with Regulations.**

No sewage system, nor any part thereof, shall be constructed, installed, altered, extended or repaired; no permit shall be issued nor system approved; and no land development nor subdivision shall proceed nor be approved which does not comply with these regulations.

(Ord. 1981-1, 3/11/1981, §5)

### **§106. Requirement of Deep Probe.**

In addition to the requirements set forth by the Department of Environmental Protection regarding lot testing, and notwithstanding any other provisions herein to the contrary, at least two satisfactory deep probe and percolation tests will be required on each building lot in the vicinity of each sewage disposal system.

(Ord. 1981-1, 3/11/1980, §6; as amended by Ord. 1997-1, 1/6/1997)

### **§107. Standard Percolation Tests.**

In addition to the Department's requirements, standard percolation tests shall be conducted under the supervision of the Township Sewage Enforcement Officer.

(Ord. 1981-1, 3/11/1980, §7)

### **§108. Discretionary Percolation Test.**

In addition to the requirements set forth by the Department, a percolation test shall be required where the results of the deep probe indicate that only an alternate system is permissible on the building lot. In such event, the Township Sewage Enforcement Officer shall determine, at his own discretion, the depth of the percolation test holes.

(Ord. 1981-1, 3/11/1980, §8)

### **§109. Discretionary Authority of Sewage Enforcement Officer.**

In addition to the Sewage Facilities Regulations of the Department of Environmental Protection and notwithstanding any provisions to the contrary, where health hazards are apparent in either surface expression or as evidenced by contaminated wells, the Township Sewage Enforcement Officer shall have at his discretion the authority to order septic system repairs, modifications, or replacement in accord with existing Pennsylvania Department of Environmental Protection regulations and the aforesaid Sewage Facilities Regulations.

(Ord. 1981-1, 3/11/1981, §9; as amended by Ord. 1997-1, 1/6/1997)

**§110. Application for Sewage Services.**

In addition to the Sewage Facilities Regulations of the Department and notwithstanding any provisions to the contrary, all services of the Township Sewage Enforcement Officer requested by applicants shall be submitted in writing to the Sewage Enforcement Officer, along with payment for such services in accordance with the fee schedule contained in the Sewage Facilities Regulations.

(Ord. 1981-1, 3/11/1981, §10)

**§111. Lateral Piping.**

All lateral piping to be placed within drainfields shall be four-inch perforated rigid plastic pipe or an approved equivalent. Orangeburg, terra-cotta, or other individual tiled pipes shall not be allowed within drain fields.

(Ord. 1981-1, 3/11/1981, §11)

**§112. Trench Pipe Ends.**

Trench pipe ends shall be sealed by mortar or plastic plugs.

(Ord. 1981-1, 3/11/1981, §12)

**§113. Slope of Trench Lines.**

The slope of trench lines shall not exceed one inch per 100 feet.

(Ord. 1981-1, 3/11/1981, §13; as amended by Ord. 1997-1, 1/6/1997)

**§114. Site Testing Information.**

All site testing information obtained for use in conjunction with any Pennsylvania Department of Environmental Protection planning module or application of sewage disposal system shall be performed or witnessed by the Township Sewage Enforcement Officer.

(Ord. 1981-1, 3/11/1981, §14; as amended by Ord. 1997-1, 1/6/1997)

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### **§115. Placement of Septic System.**

No septic system shall be placed within any existing or former gully, swale, depression, or other drainageway which serves as a stormwater course during any rainfall event.

(Ord. 1981-1, 3/11/1981, §15)

### **§116. Adoption of Additional Rules and Regulations.**

The Township, acting by and through its Board of Supervisors, or in appropriate cases, acting by and through its authorized representatives, reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper in connection with the interpretation and enforcement of the Sewage Facilities Regulations, which rules and regulations shall become and shall be construed as part of this Part.

(Ord. 1981-1, 3/11/1981, §16)

### **§117. Definitions.**

As used in these regulations, words and phrases shall have the meanings given herein:

**APARTMENT HOUSE** — a building arranged, intended or designed to be occupied by three or more families living independently of each other.

**BUILDING SEWER** — the piping carrying liquid wastes from a building to a treatment tank, or to a collector pipe of a community or public sewage system.

**COMMUNITY SEWAGE SYSTEM** — any system, whether publicly or privately owned, for the collection of sewage from two or more dwelling units, or for the collection of sanitary sewage or industrial wastes, or both, and including various devices for the treatment of such sewage or wastes, or which discharges into a public sewage system.

**DISPOSAL FIELD** — an area in which open joint or perforated piping is laid in covered trenches or excavations, for the purpose of distributing liquid from a treatment tank into the soil.

**DWELLING UNIT** — one or more rooms used for living and sleeping purposes, and having a kitchen with fixed cooking facilities, arranged for occupancy by one family.

**INDIVIDUAL SEWAGE SYSTEM** — a single system of piping, tanks or other facilities, serving only a single dwelling unit, and disposing of sewage in whole or in part into the soil of the property, or into any waters of the Commonwealth of Pennsylvania, or discharging into a community or public sewage system.



**INDUSTRIAL WASTES** — liquid wastes resulting from the processing of materials in any commercial, industrial or manufacturing process or establishment.

**LAND DEVELOPMENT** —

- (1) The erection or installation of a building, for residential or other purposes, the useful occupancy of which will require the disposal of sanitary sewage or industrial wastes.
- (2) Any improvement or use of land which results in a need to provide for the disposal of sanitary sewage or industrial wastes.

**MOBILE HOME** — any portable or mobile vehicle or structure, designed or used for continuous living purposes, whether wheels, rollers or skids are attached or unattached, except those which are:

- (1) Displayed for sale.
- (2) Utilized as an office in a commercial activity.

**MOBILE HOME PARK** — any site, lot, field or tract of ground, or part thereof:

- (1) Where two or more mobile homes are parked.
- (2) Which is used by the public as a parking space for two or more mobile homes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as part of the equipment of such a park.

**MUNICIPALITY** — Conewago Township, Dauphin County, Pennsylvania.

**PUBLIC SEWAGE SYSTEM** — any system of collector and interceptor piping, located in public rights-of-way or easements, discharging into and including centralized sewage treatment plants and all auxiliary facilities, providing means for a large number of users in a general area to dispose of sewage.

**RECREATION FACILITY SEWAGE SYSTEM** — any system for the collection and disposal, with or without treatment, of sanitary sewage, serving any facility or land use seasonally or periodically occupied for recreational purposes, whether or not the facility or land use includes permanent or portable structures or enclosures.

**SEEPAGE PIT** — a covered pit with open-jointed lining, through which liquid from a treatment tank can seep or leach into the soil.

**SEWAGE** — any substance which 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 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.

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**SEWAGE ENFORCEMENT OFFICER** — the person, or his duly authorized agent, appointed by the Township to have the responsibility for administering these regulations, issuing permits and making inspections as herein provided. [Ord. 1997-1]

**SUBDIVISION** — the division of a single lot, tract or parcel of land, or part thereof, into two or more lots, tracts or parcels of land including changes in street line or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, the division of land for agricultural purposes into parcels of more than 10 acres, nor involving any new street or easement of access, shall not be included within the meaning of “subdivision.”

**TREATMENT TANK** — a water-tight tank designed to retain sewage solids long enough for satisfactory bacterial decomposition to take place:

- (1) **AEROBIC TREATMENT TANK** — any unit which incorporates as part of the treatment process a means of introducing air into the sewage held in a storage tank or tanks, so as to provide aerobic biochemical stabilization during a detention period.
- (2) **SEPTIC TANK** — a water-tight tank receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition, and the separation of solids from the liquid through a period of detention before the liquid is discharged.

**WATERS OF THE COMMONWEALTH OF PENNSYLVANIA** — includes any and all rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs, and all other bodies of surface or underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

(Ord. 1981-1, 3/11/1981, §§21-40; as amended by Ord. 1997-1, 1/6/1997)

### **§118. Applicability of Regulations.**

These regulations, procedures, practices and standards shall apply throughout the Township, to all sewage systems hereafter constructed, installed, altered, extended or repaired.

(Ord. 1981-1, 3/11/1981, §51)

### **§119. Sewage Facilities Permit Required; Exception.**

A sewage facilities permit, issued by the Sewage Enforcement Officer, shall be required prior to the construction, installation, alteration, extension or repair of any sewage system, and prior to the construction or installation of any structure to be served by such a system, unless the Sewage Enforcement Officer determines in writing that a permit is not necessary in a particular case, listing the provisions of law allowing the exception.

(Ord. 1981-1, 3/11/1981, §52; as amended by Ord. 1997-1, 1/6/1997)

**§120. Application for Permit; Information Required.**

1. The application for a sewage facilities permit shall be made to the Sewage Enforcement Officer by the person, corporation or other entity who will be responsible for performing the work.
2. The application shall be made on a multi-copy form, as prepared for such use by the Pennsylvania Department of Environmental Protection and provided by the Sewage Enforcement Officer, and shall contain or be accompanied by the following information and data:
  - A. Name and address of the applicant.
  - B. Description of the real estate upon which the system is to be installed, and the improvements thereon which the system will serve.
  - C. Information related to the proposed installation, either:
    - (1) For a system proposed to discharge into a community or public sewage system:
      - (a) Official name of the agency operating the system into which discharge is to be made.
      - (b) Location and size of the collector pipe of the system into which discharge is to be made.
      - (c) Evidence of acceptance of, and capacity for, the discharge, by the operating agency and system.
    - (2) For an on-lot treatment and disposal system, or any other system not discharging into a public system:
      - (a) Detailed information showing the absorptive qualities, depth and type of soil involved, and the high-water level of the ground water table.
      - (b) Number and location of private and public water supplies within 100 feet of the proposed system.
      - (c) Location of and distance to any public sewage system within one mile of the site.

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- D. Approval of the proposed system, when such is required, by the Department of Environmental Protection or any other agency of the Commonwealth of Pennsylvania.
- E. Such further information as may be required by the Sewage Enforcement Officer, to ensure the propose system complies with these regulations.

(Ord. 1981-1, 3/11/1981, §53; as amended by Ord. 1997-1, 1/6/1997)

### **§121. Application and Procedure for Lot Testing.**

For systems which will treat and dispose of sewage on the lot or land to be served by the system, the applicant shall make an initial application to the Sewage Enforcement Officer, containing the following information:

- A. Name and address of the applicant.
- B. Description of the real estate upon which the system is to be installed and the improvements thereon which the system will serve.
- C. Brief description of the arrangements to conduct the required soil percolation rate tests, indicating the locations of the test holes on the site, who will be responsible for preparing the holes and performing the tests, and when the holes can be prepared, soaked and tested in accordance with these regulations.
- D. The Sewage Enforcement Officer, or his agent, may periodically inspect the pre-soaking process, and shall observe the actual percolation rate tests. The pre-soaking and the rate tests shall be performed on a date and at a time in accordance with a written schedule, established cooperatively by the Sewage Enforcement Officer and whoever is responsible for performing the tests, provided that the Sewage Enforcement Officer may not require a date and time more than 48 hours, exclusive of Sundays and holidays, later than that requested, and provided that if the Sewage Enforcement Officer or his agency fails to observe the tests performed according to such schedule, he shall accept the results reported by whoever is responsible for performing the tests and further provided that the results of tests performed other than according to such schedule, which are not observed by the Sewage Enforcement Officer or his agent, shall not be accepted, and shall be repeated on the order of the Sewage Enforcement Officer.
- E. The applicant shall be advised by the Sewage Enforcement Officer of the additional data which will be required, concerning the site and the proposed system. The Sewage Enforcement Officer shall aid the applicant by providing suggestions as to satisfactory sources of such data.

(Ord. 1981-1, 3/11/1981, §54; as amended by Ord. 1997-1, 1/6/1997)

**§122. Issuance or Denial of Permit; Time Limit; Exception.**

Permits shall be issued or denied by the Sewage Enforcement Officer in writing within seven days, and the time for acting thereon shall be extended seven days beyond the date of submission of adequate supplementary or amendatory data. When the Sewage Enforcement Officer is satisfied the application is complete, and the proposed design meets the requirements of these regulations and will adequately protect the public health, a permit shall be issued.

(Ord. 1981-1, 3/11/1981, §55; as amended by Ord. 1997-1, 1/6/1997)

**§123. Reasons for Denial of Permit.**

A denial of a permit by the Sewage Enforcement Officer shall be for any one or more of the following reasons which shall be incorporated into the written denial:

- A. Failure of the proposed design to meet the requirements of these regulations.
- B. Soil or geological conditions are such as to preclude safe and proper operation of the desired installation.
- C. A public sewage system is accessible, into which the sewage can be feasibly and legally discharged.
- D. Proposed system will not adequately protect the public health.

(Ord. 1981-1, 3/11/1981, §56)

**§124. Inspection of Installation of Sewage Systems.**

Whoever shall receive a permit to install a sewage system shall notify the Sewage Enforcement Officer as to when installation is to be made, and the Sewage Enforcement Officer or his agent may make such inspections or tests as deemed necessary, before or during installation. The Sewage Enforcement Officer shall be notified in writing when the installation is completed, and no installation shall be covered until it is inspected and given final written approval by the Sewage Enforcement Officer, provided that if the Sewage Enforcement Officer or his agent fails to inspect the installation within 48 hours, exclusive of Sundays and holidays, of receiving the notice of completion, the installation may be covered, and it shall be accepted by the Sewage Enforcement Officer as in accordance with the approved plan and standards for the system; further provided that the Sewage Enforcement Officer may order any installation which has been covered contrary to the provisions herein to be uncovered for inspection, and also provided that the Sewage Enforcement Officer may order correction of any installation found by in-

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spection to be not in accordance with the approved plan and standards, and that a new notice of completion shall be effected, following any ordered uncovering or corrective work.

(Ord. 1981-1, 3/11/1981, §57)

### **§125. Effect on Building Permit Issuance.**

The officer of the Township responsible for the issuance of building permits shall not issue a building permit for any structure which is connected, or is intended to be connected, to any individual or community sewage system, until a sewage facilities permit has been issued for the sewage system which serves or will serve the structure.

(Ord. 1981-1, 3/11/1981, §58)

### **§126. Mobile Homes Considered Separate Dwelling Units; Exception.**

For the purposes of this Part, mobile homes shall be considered as separate dwelling units, each requiring an individual sewage system, except for those mobile homes located in a mobile home park for which a sewage facilities permit has been issued.

(Ord. 1981-1, 3/11/1981, §59)

### **§127. Separate Sewage Systems Required; Exception.**

Every dwelling unit shall have a separate, individual sewage system except those contained in apartment houses or in a two-family house with the dwelling units arranged one above the other.

(Ord. 1981-1, 3/11/1981, §60)

### **§128. Recreation Facility Sewage System.**

Sewage systems which serve recreation facilities shall comply with the following regulations. Lands newly used for these purposes shall comply from the outset; lands previously used for these purposes shall comply within one year after adoption of these regulations, and it shall be obligatory upon the owner or operator of any lands used for recreation purposes to obtain a sewage facilities permit, prior to installing or operating any sewage system, issued in accordance with the provisions herein:

- A. Structures or land uses serving, or intended to serve, more than 20 persons, or used or intended to be used periodically throughout the year, shall be served by an individual sewage system as herein defined and regulated.

- B. Structures or land uses serving 20 or fewer persons, and generally used only during the warm weather months, may be served by a sewage system composed of a fully-enclosed insect-tight structure, a privy vault or tank made of concrete, coated steel, or other material impervious to water and sewage, and related facilities. Such systems shall be in accordance with standards for such structures as accepted by the Pennsylvania Department of Environmental Protection, and shall be subject to initial and periodic inspection by the Sewage Facilities officer. Holding tanks shall be cleaned promptly, at the end of seasonal use and at such other times as necessary or as ordered by the Sewage Enforcement Officer.
- C. The sewage system serving any recreation facility open to the public, with or without an admittance fee, is subject to the approval and regulation of the Pennsylvania Department of Health and/or Environmental Protection.

(Ord. 1981-1, 3/11/1981, §61; as amended by Ord. 1997-1, 1/6/1997)

**§129. Approval by Commonwealth of Certain Proposed Sewage Systems Required Prior to Issuance of Permit.**

In accordance with the aforesaid acts, rules and regulations of the Commonwealth of Pennsylvania, or such other regulations of the Commonwealth of Pennsylvania as may apply, the Sewage Enforcement Officer shall require, prior to issuing a sewage facilities permit, written or other acceptable means of notice of the approval of the proposed sewage system by the Sanitary Water Board, or the Department of Environmental Protection or such other agency of the Commonwealth of Pennsylvania as may have jurisdiction, for sewage systems proposed to serve any of the following:

- A. An apartment house.
- B. A commercial structure or land use.
- C. A community sewage system serving three or more lots.
- D. An educational facility, public or private.
- E. A hospital or institutional facility.
- F. An industrial structure or land use.
- G. A mobile home park.
- H. A motel or hotel.
- I. A public or commercial park or recreation facility.
- J. A public building or land use.

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(Ord. 1981-1, 3/11/1981, §62; as amended by Ord. 1997-1, 1/6/1997)

### **§130. Consultation with County Sanitarian Required Before Issuance of Permit for Certain Sewage Systems.**

The Sewage Enforcement Officer shall be required to obtain the consultation of the County Sanitarian of the Pennsylvania Department of Environmental Protection, prior to issuing a sewage facilities permit for a sewage system proposed to serve the following:

- A. A community sewage system serving more than two dwelling units.
- B. A non-residential facility for which the sewage system is not subject to approval by an agency of the Commonwealth of Pennsylvania.

(Ord. 1981-1, 3/11/1981, §63; as amended by Ord. 1997-1, 1/6/1997)

### **§131. Sewage Enforcement Officer May Consult County Sanitarian Prior to Issuance of Permit.**

The Sewage Enforcement Officer may obtain the consultation of the County Sanitarian of the Pennsylvania Department of Environmental Protection, prior to issuing a sewage facilities permit for any proposed sewage system.

(Ord. 1981-1, 3/11/1981, §64; as amended by Ord. 1997-1, 1/6/1997)

### **§132. Discharge of Raw Sewage and Untreated Industrial Wastes Prohibited and Declared a Nuisance.**

No person, firm or corporation owning any real property within the Township of Conewago upon which is located an individual or community sewage system, disposal field, building sewer, recreation facility sewage system, seepage pit or treatment tank shall permit the discharge of any raw sewage or untreated industrial wastes into or through any of the aforementioned individual or community sewage systems, disposal fields, building sewers, recreation facility sewage systems, seepage pits or treatment tanks which by reason of malfunction, disrepair or fault in design, cause or permit said raw sewage or untreated industrial waste to escape to the surface of the ground or cause or permit the same to be discharged upon any private or public property, street, highway or right-of-way so as to emit any unpleasant or noxious odor or to create a possible health hazard within the Township. Any discharge of raw sewage or untreated industrial waste upon any premises within the Township and in violation of the provisions of §132, is hereby declared to be a nuisance and detrimental to the public health, safety and welfare of the inhabitants of the Township.

(Ord. 1981-1, 3/11/1981, §65)



**§133. Responsibilities of Owners of Real Property.**

The owner of any real property within the Township upon which is located an individual or community sewage system, disposal field, building sewer, recreation facility sewage system, seepage pit or treatment tank shall maintain the same in a good state of repair and in good working order and shall take such corrective measures as are necessary to comply with §132.

(Ord. 1981-1, 3/11/1981, §66)

**§134. Authority for Township to Perform or Have Performed Such Corrective Measures as Are Necessary and Collect the Costs Thereof Plus Additional Penalties.**

The Board of Supervisors or any officer or employee of the Township designated thereby for the purpose is hereby authorized to give notice, by personal service or by United States mail to the owner of any real estate whereon raw sewage or untreated industrial waste is being discharged in violation of §132 directing and requiring such owner to take such corrective measures as are necessary to abate the nuisance so as to comply with the provisions of this Part within five days after the service of said notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time state therein, the Township authorities may take or have taken such corrective measures as are necessary to abate the nuisance, and the costs thereof, together with any additional penalty authorized by law, may be collected by the Township from such person, firm or corporation in the manner provided by law.

(Ord. 1981-1, 3/11/1981, §67)

**§135. Testing of Land for Subdivision Required.**

No plan for the subdivision of land which proposes the use of individual sewage systems shall be approved by the Township, nor shall any land in the Township be subdivided, until the land had been tested as provided in §136.

(Ord. 1981-1, 3/11/1981)

**§136. Request Test to be Accompanied by Subdivision Site Plan.**

Prior to the preparation and submission of a subdivision plat for approval, and prior to the subdivision of any land in the Township, the owner of the land, or his agent, shall request the Sewage Enforcement Officer to inspect and observe the testing of the site. Such request shall be accompanied by submission of a land subdivision site plan, which shall include the following, to the extent applicable:

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- A. General information describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities, and street improvements.
- B. Location plan showing the location of the proposed subdivision and the existing community facilities which will serve or influence it: traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, and places of large employment.
- C. Sketch plan showing the proposed layout of streets and lots, indicating the general contours and other features of the subdivision as planned.

(Ord. 1981-1, 3/11/1981, §72)

### **§137. Percolation Tests.**

Percolation tests shall be made throughout the area of the subdivision, with a minimum of two satisfactory test sites per lot, or more, as may be required by the Sewage Enforcement Officer. Tests shall be performed by a qualified agent of the owner, in the presence of the Sewage Enforcement Officer or his representative, and shall be conducted in the manner and according to the procedures and standards established in the aforesaid rules and regulations of the Pennsylvania Department of Environmental Protection.

(Ord. 1981-1, 3/11/1981, §73; as amended by Ord. 1997-1, 1/6/1997)

### **§138. Minimum Lot Size and Percolation Test Results to be Submitted with Subdivision Plat.**

Percolation test results, and the required minimum lot size determined therefrom, shall be submitted with any subdivision plat, in a report signed by the landowner, the qualified agent who performed the tests, and the Sewage Enforcement Officer.

(Ord. 1981-1, 3/11/1981, §74)

### **§139. Minimum Lot Size Restricted.**

The minimum lot size which may be approved on any subdivision plat shall not be less than that indicated in a test report as required in §138.

(Ord. 1981-1, 3/11/1981, §75)

**§140. Sewage Facilities Officer's Report.**

The minimum lot size which may be approved on any subdivision plat shall not be less than that indicated as necessary for the public health in a report by the Sewage Enforcement Officer, prepared in consultation with the Pennsylvania Department of Environmental Protection or with the Soil Conservation Service, and indicating either that the slope of the land or the subsoil structure may create hazardous conditions resulting from surface runoff or subsurface drainage of septic tank effluents.

(Ord. 1981-1, 3/11/1981, §76; as amended by Ord. 1997-1, 1/6/1997)

**§141. Fees.**

1. The Board of Supervisors shall prescribe, from time to time by resolution, such fees as shall be deemed necessary for the proper administration and enforcement of this Part.
2. The fees so prescribed shall be paid to the Township to defray the costs of administration, inspection and enforcement as provided by this Part and may include fees for subdivision site inspections, issuance of sewage facilities permits, review of sewage facilities planning modules and such other items as shall be deemed necessary by the Board of Supervisors.

(Ord. 1981-1, 3/11/1981, §81)

**§142. Enforcement and Remedies.**

1. Enforcement Notice.
  - A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
  - B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
  - C. An enforcement notice shall state at least the following:
    - (1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.

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- (2) The location of the violation and, if applicable, the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Board of Supervisors within a period of 10 days.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

### 2. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$1,000 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1981-1, 3/11/1981; as amended by Ord. 1997-1, 1/6/1997)

**§143. Appeals to Board of Supervisors.**

Any person, corporation or other entity aggrieved by an action of the Sewage Enforcement Officer, by means of denial of a permit, disapproval of an installed system, or an issued order, may appeal to the Township's Board of Supervisors, within 30 days after such an appeal within 15 days after receiving a written notice of appeal. At that time, the applicant may be represented by counsel and may present evidence as to why a permit should be issued or retained, or an installed system approved, or an order rescinded or changed. No transcript of testimony shall be required, but the applicant shall be notified in writing within seven days after the hearing of the decision of the Supervisors and the reasons therefore.

(Ord. 1981-1, 3/11/1981, §92)

**§144. Further Appeals.**

1. Any person, corporation or other entity aggrieved by the action of the Board of Supervisors on an appeal may, within 30 days after such action, further appeal to the Secretary of Environmental Protection of the Commonwealth of Pennsylvania.
2. The Secretary of Environmental Protection, or his designee, shall hear the appeal in accordance with the provisions of the "Administrative Agency Law," P.L. 1388, Act of the General Assembly of Pennsylvania of June 4, 1945.

(Ord. 1981-1, 3/11/1981, §93; as amended by Ord. 1997-1, 1/6/1997)

**§145. Remedies Available.**

The provisions of this Part shall in no way restrict any remedies otherwise provided by law; and the Township or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this Chapter.

(Ord. 1981-1, 3/11/1981, §94)



## Part 2

### Sewage System Management

#### §201. Purpose.

The purposes of this Part include:

- A. The regulation of the installation, inspection, operation, rehabilitation, replacement and timely on-going maintenance of onlot systems within the Township.
- B. The establishment of provisions and safeguards for the Township which enable the issuance of permits for Bonded Systems and IRSIS systems by and through the Sewage Enforcement Officer.
- C. The registration of businesses that remove and dispose of septage.
- D. Establishment of minimum standards for the periodic pumping of treatment, dosing and lift-pump tanks which are components of onlot systems permitted by the SEO.
- E. Adoption, by reference, of standards for initial inspection and subsequent pumping of systems and tanks.

(Ord. 99-1, 9/8/1999, §I)

#### §202. Terms and Definitions.

The following words and terms when used in this Part shall have the following meanings:

**ABSORPTION AREA EASEMENT** — a portion of a lot, tract or parcel that encompasses the primary and replacement area and which shall be delineated and preserved. The primary replacement 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. §750.1 et seq.

**AS-BUILT DRAWING** — a drawing or series of drawings which depict any individual onlot sewage system as it was actually constructed. [Ord. 2000-5]

**AUTHORIZED AGENT** — a certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality coordinator, or any other person who is designated to carry out the provisions of this Part as the agent of the Board of Supervisors of Conewago Township.

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**BOARD** — the Board of Supervisors of Conewago Township, Dauphin County, Pennsylvania.

**BONDED DISPOSAL SYSTEM** — an individual sewage system located on a single lot serving a single family residence, where soil mottling is within 20 inches of the mineral soil surface, and the installation, operation and replacement of which is guaranteed by the property owner.

**COMMUNITY SEWAGE SYSTEM** — a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

**DEP/THE DEPARTMENT** — the Department of Environmental Protection of the Commonwealth of Pennsylvania.

**DEVELOPER** — any person, partnership or corporation 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 400 gallons per day.

**INDIVIDUAL ONLOT SEWAGE SYSTEM** — an individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or retaining tank.

**INDIVIDUAL SEWERAGE SYSTEM** — an individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

**MALFUNCTION** — the condition which occurs when an onlot system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health.

**OWNER** — any person, corporation, partnership, etc., holding deed or title to lands within the Township.

**ONLOT SYSTEM** — an individual onlot sewage system or an individual sewerage system or a community sewage system.

**PLANNING MODULE FOR LAND DEVELOPMENT** — a revision to, or exception to the revision of, the Official Plan, submitted in accordance with DEP regulations, and in connection with the request for approval of a subdivision or land development plan.



**PRIMARY AREA** — an area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an onlot sewage disposal system, and which will be preserved and protected from alteration for installation of the initial onlot sewage disposal system for sewage generated on that lot, tract or parcel (see “replacement area”).

**PUMPER/Hauler BUSINESS** — any sole proprietor, company, partnership or corporation which engages in cleaning any or all components of a community or individual onlot system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge.

**PUMPER/Hauler TRUCK OPERATOR** — a natural person who engages in cleaning any or all components of a community or individual onlot sewage system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge.

**PUMPER’S REPORT/RECEIPT** — a form, provided by the Township, which shall be used by all pumper/hauler truck operators to report every pumping of an onlot system in the Township.

**REGULATIONS** — 25 Pa. Code, Chapters 71, 72 and 73.

**REPAIR** — work done to modify, alter, rehabilitate or enlarge an existing onlot system.

**REPLACEMENT AREA** — an area on a lot, tract or parcel of land, separate from the primary area, that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an onlot system, and which will be preserved and protected from alteration for potential future use if the primary area on the same lot, tract, or parcel shall fail for any reason (see “primary area”).

**RETAINING TANK** — a watertight receptacle which 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 nonflushing 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 designed to receive sewage where water under pressure is not available.

**INCINERATING TOILET** — a device capable of reducing waste materials to ashes.

## SEWERS AND SEWAGE DISPOSAL

**COMPOSTING TOILET** — a device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of micro-organisms 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, animal or aquatic life, or 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. §§691.1-691.1001).

**SEWAGE ENFORCEMENT OFFICER (SEO)** — a person certified by the State Board for the Certification of Sewage Enforcement Officers, who is appointed by the Board to administer the provisions of this Part, the provisions of the Act, and the regulation in 25 Pa. Code, Chapters 71, 72 and 73.

**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.

**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 onlot system that uses the renovative capacity of the soil for final treatment of the effluent. All SEO permitted systems, except retention tank systems, are soil absorption systems.

**SUBDIVISION** — the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. 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.

**TERRALIFT** — refers to both a machine and a process. For the purposes of this Part, the word terralift applies to this and all similar processes including, but not limited to, “rejuvenator,” and “soil blaster,” which introduce material into the soil to increase its porosity or percolation rate.

**TERRALIFT MACHINE** — a device which injects plastic or similar small diameter pellets into the soil in the vicinity of an onlot sewage disposal system’s absorption area. The machine is a patented product; the name is a registered trademark.

**TERRALIFT PROCESS** — a process by which small diameter pellets of plastic or a similar material are injected into the soil in the vicinity of the absorption area of an onlot sewage disposal system. The process is intended to fracture the soil and establish porosity more similar to the conditions that existed previously on the site.

**TOWNSHIP** — Conewago Township, Dauphin County, Pennsylvania.

**TREATMENT TANK** — a water-tight 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.

(Ord. 99-1, 9/8/1999, §II; as amended by Ord. 2000-5, 9/13/2000, §1)

**§203. Permits Required; Coordination with Building Permits; DEP Permitted Systems.**

1. All individual or community onlot systems, regardless of the size of the lot, tract or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this Part, the Act and regulations.
2. Building and zoning permits shall not be issued for any building, or improvement to real property to be serviced by an onlot system, prior to receiving a permit for the installation of the onlot system from the SEO.
3. All system components including absorption areas must be located on the same lot, tract or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, or through means of an easement, right-of-way or other instrument.
4. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
5. No onlot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.

## SEWERS AND SEWAGE DISPOSAL

6. The use of a terralift machine or conducting a terralift procedure are hereby deemed to constitute the alteration of an onlot sewage disposal system, and either or both activities may only be undertaken pursuant to a permit issued by the SEO. The permit shall validate the absence of a malfunction and conformity of the site with DEP requirements for terralift procedures.
7. No onlot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
8. Permit applications for onlot 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.
9. Permit applications for which the provisions of §§205(1) or 206(11) apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule and a provision that if the contract is terminated that the Township be so notified.
10. Following the installation, but before the operation or use of all sewage facilities installed in the Township, whether permitted by the sewage enforcement officer or DEP, the applicant shall submit to the Township an as-built drawing(s) of the entire system.
  - A. All as-built drawings shall be drawn to the same scale and with the same detail as the drawings which were submitted as part of the application for the permit to install the sewage facility.
  - B. At a minimum, the following components shall be located by actual field measurement of the finished component's location to two immovable points such as, but not limited to, building corners, bridge abutments, property corner monuments or similar features:
    - (1) Four corners of each bed type absorption system.
    - (2) Four corners of each trench in a trench type absorption system.
    - (3) Inlet observation ports of all treatment, dosing, siphon, process, surge or other tanks.
    - (4) Distribution boxes.
    - (5) Chlorine pumps, tablet chlorinators.
    - (6) Chlorine storage sites for liquid, solid or gaseous chlorine.
    - (7) Contact tanks.

- C. Distances may be incorporated in the drawing in association with an arrow between the respective points or presented in the context of a table.
- D. The inspection of any system which is subject to the requirements of this Section shall be deemed complete when the site inspection and field observation form and pumpers report form have been filed with the Township provided the as-built drawings have been placed on file as required elsewhere in this Section.

(Ord. 99-1, 9/8/1999, §III; as amended by Ord. 2000-5, 9/13/2000, §2)

**§204. Replacement Areas.**

- 1. A replacement area shall be required for all proposed lots which are intended to be serviced by a soil absorption system, except an IRSIS.
- 2. A replacement area shall be required for all unimproved lots existing prior to the effective date of this Part, which are intended to be serviced by a soil absorption system, but for which a permit to install an onlot system has not been issued.
- 3. Allowance of open land for the replacement area, without performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with the requirements of this Section.
- 4. The location of the primary and replacement 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.
- 5. The description, including meets and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
  - A. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
  - B. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area easement.
  - C. During any construction or other activities, the absorption area easement shall be so 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 easement.

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- D. The final cover or improvement to every absorption area easement shall be limited to shallow-rooted plant matter.
6. A landowner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an onlot system exists, and upon such a finding shall:
- A. Prepare and submit to the SEO for approval a declaration of easement which shall:
    - (1) Meet the identification, nonuse and preservation requirements of this Section.
    - (2) Describe, by meets and bounds, the easement area to be abandoned.
  - B. Within 15 days of the approval by the Township, record the declaration of easement at the Dauphin County Recorder of Deeds Office.
  - C. File a copy of the recorded easement with the Township.

(Ord. 99-1, 9/8/1999, §IV)

### **§205. Individual Residential Spray Irrigation Systems.**

- 1. All applications for onlot systems which propose to use an individual spray irrigation system as the treatment method shall be accompanied by one of the following:
  - A. A maintenance agreement between the landowner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
  - B. A maintenance agreement between the landowner and an association, trust or other private entity which is structured to and which accepts the responsibility for proper operation and maintenance of the individual residential spray irrigation system.
- 2. Applications for individual residential spray irrigation systems shall be accompanied by a financial guarantee of the same type and character that is required for public improvements by the Township's Subdivision and Land Development Ordinance [Chapter 22].
- 3. 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:
  - A. Fails to maintain the system or any of the system's components according to the manufacture's specifications.

- B. Fails to service, clean, inspect and/or pump the treatment tank(s) according to the other applicable standard of this Part.
  - C. 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.
  - D. Voids, cancels or terminates and fails to replace in a manner approved by the Township the agreement required by subsection (A) of this Section.
- 4. From the date the permit application is submitted to the SEO or Township and continuing for a period ending two years after the date the system's installation is approved by the SEO, the financial assurance shall be in an amount not less than 50% of contract price for the installation of the individual residential spray irrigation system and all piping, tankage and other related system components.
  - 5. Beginning two years after the date the system's installation is approved by the SEO and continuing for the system's design life, the financial assurance shall be reduced to an amount not less than 10% of the actual construction cost for the installation of the individual residential spray irrigation system and all piping, tankage and other related system components.
  - 6. The financial guarantee shall be forfeited by the landowner and the Township shall apply the funds to the repair, operation or maintenance of the system when:
    - A. The system is not maintained according to the standards of this Part, applicable DEP regulations, or the manufacturer's specifications.
    - B. The treatment tanks are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Part.
    - C. The testing and monitoring are not conducted according to the standards of this Part, applicable DEP regulations, or the manufacturer's specifications.
    - D. The agreement required by Subsection A of this Section is voided, canceled, or terminated and is not replaced in a manner approved by the Township.

(Ord. 99-1, 9/8/1999, §V)

**§206. Maintenance of Systems.**

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

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2. The owner of a property upon which an onlot system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance and pumping, and divert surface water and downspouts away from the absorption area and system components.
3. In the event a landowner detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.
  - A. Landowners who disclose the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.
  - B. If a landowner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the malfunction or cause the repair to be effectuated.
4. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual irrigation spray irrigation system shall be pumped out according to the schedule in §211 of this Part. If a component's manufacturer requires a more frequent pumping interval than contained in this Part, that interval shall be deemed the minimum interval for pumping.
5. When an onlot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
6. 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 one time per year in accordance with Conewago Township Holding Tank Ordinance [Part 3].
7. Upon completion of each required pumping; the pumper/hauler business shall:
  - A. Complete a pumper report.
  - B. Deliver the original pumper report to the landowner.
  - C. Deliver a copy of the pumper report to the Township by the tenth business day of the month following the month of inspection and/or pumping.
  - D. The report shall be on Township provided forms.
8. The first time a system's tank is 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 Pennsylvania Septage Management Association:
  - A. Date of pumping, tank capacity and material.



- B. Name and address of system owner.
  - C. Name of current occupant and number of system users.
  - D. Property address where tank is located, if different from owner's.
  - E. Description and diagram of the location of the:
    - (1) Treatment tank.
    - (2) Risers.
    - (3) Access hatches, pump tanks, filters, D-box, absorption areas, etc., with distances relative to two fixed landmarks.
  - F. Presence and condition of baffles in all tanks and all compartments.
  - G. Permit number and date existing system was installed (if known, month/year).
  - H. Last date of pump-out (if known, month/year).
  - I. List of other maintenance performed.
  - J. Indications of system malfunction observed.
  - K. Amount (gallons) of septage, sludge, or other material removed.
  - L. List of recommendations for system rehabilitation.
  - M. Statement of general system condition.
  - N. DEP Permit number and site name for destination of the septage.
  - O. List of water conservation devices in use.
  - P. Pumper truck operator's & pumper business owner's signature.
9. Persons undertaking the initial inspection of an onlot system shall have successfully completed the onlot wastewater treatment system inspector program of the Pennsylvania Septage Management Association and be so certified.
10. Initial and periodic tank pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:

## SEWERS AND SEWAGE DISPOSAL

- A. At all times, the pumper truck operator's personal safety, as well as protection of the environment and the landowner's property, shall receive the highest priority.
  - B. Tanks shall only be pumped from/through the manhole/access port, i.e., the largest tank opening.
  - C. Tanks shall not be pumped from/through the observation port.
  - D. Where necessary to break up solids, back-washing with clean water or material of a similar nature already on board the pumper truck may be employed. Mechanical means (scraping, raking, etc.) are not necessary, but may be employed provided that appropriate safeguards are taken to prevent injury.
  - E. When backwashing, care shall be taken not to fill/refill the tank to a level greater than 12 inches below the elevation of the outlet pipe.
  - F. No liquids or solids are to be discharged into/through the outlet pipe.
  - G. Tanks shall be deemed to be clean when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch.
  - H. Every pump-out shall include a visual inspection of the interior of the tank. The inspection shall include a determination regarding the presence of baffles and their condition, as well as the physical condition of the treatment tank. Presence and condition of observation port(s) shall also be reported.
  - I. At all times, and in all phases of operations, pumper businesses and equipment operators shall comply with all laws and regulations regarding the activities associated with onlot wastewater system maintenance and disposal of materials removed therefrom.
  - J. Where the Township requires documentation of pump-out and tank and site conditions, the pumper shall not be prevented by the landowner from complying with Township requirements. A copy of any report sent to the Township shall also be provided to the landowner.
11. In addition to the requirements for initial tank pumping, periodic tank pumping shall include an inspection of and a report to the Township on forms provided by the Township regarding the presence of any or all of the following:
- A. Defective tank components (lids, baffles, dividers, etc.).
  - B. Before pumping, water level above outlet pipe elevation.
  - C. Following or during pumping, backflow from the absorption area.

- D. Inflow from building(s) served to verify connection to the building(s).
  - E. Surface discharge, ponding or other signs of malfunction in the vicinity of the absorption area.
12. Any person owning a building served by an aerobic treatment tank or an onlot system, which includes any electrically, mechanically, hydraulically or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment's manufacturer.
- A. If not on file with the 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 Part.
  - B. Landowners of systems with components requiring periodic maintenance shall submit receipts as proof of maintenance to the Township documenting maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturers.
  - C. In no case may the service or pumping intervals exceed those established in §214 of this Part.
13. The Township 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 and absorption areas.

(Ord. 99-1, 9/8/1999, §VI)

**§207. Operation of Systems.**

- 1. All systems shall be operated by the user in a manner that is in full compliance with the terms of this Part, the Act and regulations, and the system's permit.
- 2. Only sewage and normal domestic wastes shall be discharged into any sewage facilities.
- 3. The following shall not be discharged into the sewage facilities:
  - A. Industrial waste.
  - B. Fats and grease.
  - C. Motor oil.
  - D. Hazardous waste.

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- E. Chemicals including, but not limited to:
    - (1) Pesticides and herbicides.
    - (2) Acids.
    - (3) Paint, paint thinner and solvents, including latex or water based paints.
    - (4) Wallpaper pastes and adhesives.
    - (5) Photo processing chemicals.
  - F. Down spout and/or roof drain discharges.
  - G. Sump pump and basement drain discharges.
- 4. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into a treatment tank.
  - 5. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities operated or owned by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.
  - 6. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained by the DEP.

(Ord. 99-1, 9/8/1999, §VII)

### **§208. Right of Entry; Easements.**

- 1. All permits for the installation of onlot systems shall be conditioned upon the inclusion of language in the deed establishing a grant of right of entry by the landowner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the onlot system described in the application and permit.
- 2. The grant of right of entry cannot be revoked, suspended or discontinued by the present or any future owner.
- 3. Any property on which an onlot system presently exists, or on which an onlot system is under construction, shall not be conveyed by the owner without the inclusion of language in the deed establishing and assigning a non-revocable grant of right of entry by the landowner, his heirs, successors, and assigns to the Township

for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the onlot disposal system described in the application and permit.

4. In the event that the onlot system is abandoned and not replaced by another onlot system, and all sewage is collected and treated at a site not on the lot, the township shall abandon the easement and right of entry which then shall cease.

(Ord. 99-1, 9/8/1999, §VIII)

**§209. Pumper/Hauler Business Registration.**

1. At least seven days before offering pumping services to property owners that will enable their compliance with the terms of this Part, all pumper/hauler businesses shall:
  - A. Register with the Township and comply with all reporting requirements established herein.
  - B. Identify all employees/owners and vehicles that will provide these services in the Township.
  - C. Operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.1003).
  - D. Provide a current fee schedule for all services required under this Part.
  - E. Provide documentation that all septage pumped from properties in this Township will be delivered to a DEP approved site or facility.
2. At least seven days before offering inspection services to property owners that will enable their compliance with the terms of this Part, all individuals and businesses shall:
  - A. Register with the Township and comply with all reporting requirements established herein.
  - B. Register with the Township and comply with all reporting requirements established herein. Document membership in the PA Septic Management Association.
  - C. Document that there is at least one employee/owner certified by the PA Septic Management Association to perform onlot wastewater treatment inspections.
  - D. Identify all employees/owners that will provide these services in the Township.

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- E. Provide a current fee schedule for all services required under this Part.
3. When there is a change in the personnel/employees or vehicles that provides services in accordance with this Part, it shall be the duty and obligation of the business owner to notify the Township of the changes within seven days of the effective date of the change.

(Ord. 99-1, 9/8/1999, §IX)

### **§210. Fees.**

The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this Part.

(Ord. 99-1, 9/8/1999, §X)

### **§211. Maintenance Districts Created.**

1. The Township is hereby divided into four districts, designated District 1, 2, 3 and 4 as illustrated on the Management District Map, which is incorporated by reference into this Part as Appendix 1.<sup>1</sup>
2. Every onlot system in the Township shall be inspected and every tank associated with every system shall be pumped at least one time by December 31, 2002.
3. The requirements of this section shall become effective in a sequential manner:

<b>Area</b>	<b>First Pumping and Inspection Shall Be Completed By:</b>
1	12/31/2000
2	12/31/2001
3	12/31/2002
4	12/31/2000

4. After the initial inspection and pumping, all tanks in all systems shall be pumped out at a minimum regular interval of once every three years from the year of either the initial pumping or a subsequent pumping. Tanks that have been subjected to more frequent pumping, by the nature of their size, loading rate or other system characteristics, should continue to receive that frequency of pumping. This Part is not an instruction to reduce the frequency of pumping and should not be construed as such. This Part establishes the minimum pump out requirement for

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<sup>1</sup> Editor's Note: The original of the Management District Map is on file in the Township Office.

all treatment tanks that do not exhibit characteristics that indicate more frequent pumping is required.

5. The initial inspection shall meet the requirements of §206 of this Part.
6. Landowners may choose to have tanks pumped out more frequently. When more frequent pump-outs are undertaken in a manner consistent with §206 of this Part, the date of subsequent regular pump-out shall be deemed to be the last day of the last month three years following the year of the voluntary pump-out.
7. Inspections may also include, but are not limited to:
  - A. Taking of samples from surface water, wells, other groundwater sources.
  - B. Sampling of the contents of the sewage disposal system.
  - C. 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.
8. In the event that a landowner fails to obtain the required initial inspection or subsequent tank pump-out, the Township's authorized agent shall have the right to enter upon land for the purposes of conducting inspections required by this Part.
9. Prior to entry for inspection, the Township shall give advance notice to the occupant of a property to enable the occupant to be personally present or be represented by an agent at the time of such entry.
10. Any adult occupant present on the property at the time a request to enter is made by an authorized agent may waive their right of advance notice.
11. Advance notice shall be given at least 24 hours prior to entry, unless waived, and shall be any of the following:
  - A. Telephone.
  - B. Ordinary U.S. mail.
  - C. 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.
  - D. 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 Dauphin County.
    - (1) The notice shall be mailed at least seven days prior to intended entry date.

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- (2) Where the owner's name and/or address are not known, then notice shall be given by posting as described in subsection (2) above.
12. 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 Part.
13. No provision of this Part shall require notice to be given before entry, where it can be observed from a public street that an onlot system is malfunctioning or being operated improperly.

(Ord. 99-1, 9/8/1999, §XI)

### **§211A. New Installations.**

1. All treatment tanks installed as replacement treatment tanks after January 1, 2000 shall be subject to the inspection and pumping requirements in this Part and the schedule in this Section.
2. Regardless of the requirements of §211(3), regarding "area," treatment tanks subject to this Section shall be pumped no later than December 31 of the third calendar year following the year in which the tank was first placed into operation.
  - A. Following the first pump out after installation, all treatment and pump tanks shall be pumped no less than once every three years as provided in §211(4).
  - B. An extension of the pump out interval pursuant to §211 may be sought and granted as provided elsewhere in this Part. Landowners are advised that a more frequent pumping schedule may be beneficial based on individual usage patterns.
3. Individual onlot sewage systems installed after January 1, 2000 whether they serve an existing structure and are categorized as repair systems or whether they serve a newly erected structure and are categorized as repair systems or whether they serve a newly erected structure, shall be pumped and inspected according to the following schedule regardless of the provisions of §211(C), regarding "area":
  - A. Pumping of all tanks shall be done according to subsection (2) of this Section.
  - B. If the tanks were pumped in the system's third year of operation then a one time inspection shall be completed in conformance with the provisions of this Part between January 1 and December 31 of the sixth calendar year of the system's operation.



- C. If a pump-out extension was granted and the tanks were pumped out in the fifth calendar year of the systems operation, then the system shall be inspected between January 1 and December 31 of the fifth calendar year of the system's operation.
- D. No other extensions of pump out interval shall apply and in all cases, the maximum interval between installation and inspection shall be as described in subsection (3)(A) of this Section.

(Ord. 99-1, 9/8/1999, §XI-A; as added by Ord. 2000-5, 9/13/2000, §3)

**§212. Abating Health Hazards; Liens.**

- 1. Upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to properly operate, maintain, repair or replace an onlot system as provided under the terms of this Part, the Board shall have the authority to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.
- 2. The costs for the actual repair, repair permit and site investigations in support of the permit shall be borne by the property owner.
- 3. The Township may take whatever action necessary to recover these costs in accordance with law, including entering a lien against the property.
- 4. The Township may seek injunctive relief to prevent continued use of a malfunctioning onlot system.

(Ord. 99-1, 9/8/1999, §XII)

**§213. System Rehabilitation.**

- 1. The Township shall compel corrective action whenever a malfunction is identified.
  - A. The Township shall issue a written notice to any person who is the owner of a property in the Township on which is found a malfunctioning onlot system, or on which raw or partially treated sewage is discharged without a permit.
  - B. Within seven days of notification by the Township that a malfunction has been identified, the owner shall make application for a repair permit to abate the malfunction.
  - C. Within 30 days of the original notification by the Township, construction of the permitted repair or replacement shall commence, unless seasonal or

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unique conditions mandate a longer period, in which case the Township shall set an extended commencement date.

- D. Within 60 days of the original notification by the Township, the construction shall be completed, unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
2. The Township shall compel, or may take, immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.
  3. The Township 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):
    - A. Cleaning.
    - B. Repair or replacement of components of the existing system.
    - C. Adding capacity or otherwise altering or replacing the system's treatment tank.
    - D. Expanding or replacing the existing absorption area.
    - E. Replacing a gravity distribution system with a pressurized system.
    - F. Replacing the system with a holding tank.
    - G. 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.
    - H. Limiting or eliminating the use of laundry facilities.
    - I. Other alternatives as appropriate for the specific site to lessen or mitigate the malfunction to the greatest extent possible.
  4. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing onlot system, the owner is not absolved of responsibility for any negative effects caused by the malfunction.

(Ord. 99-1, 9/8/1999, §XIII)

### **§214. Appeals; Hearing; Variance.**

1. Any aggrieved party may appeal to the Board of Supervisors for relief from the strict application of the provision of this Part, when such constitute a demonstrable hardship.

2. Appeals shall:
  - A. Be in writing.
  - B. State the alleged hardship and the reason that strict adherence will cause that hardship.
  - C. Include a description of the relief sought.
  - D. Propose alternate methods or provisions that will, to the greatest extent possible, attain the purposes of this Part.
3. Appeal requests must be received by the Board within 15 days of the action being appealed and must be accompanied by the appropriate fee set by resolution by the Board.
4. Within 10 days of receipt of an appeal, the Board of Supervisors shall schedule a public hearing which shall be conducted pursuant to the Local Agency Law.
5. The Board shall issue its decision within 20 days of the end of the hearing.
6. Only in the case of a demonstrated hardship may the Board, in its discretion, grant a variance from the provisions of this Part.
  - A. Any such variance shall, to the greatest extent possible, protect the public health and the quality of the water resources of the Township.
  - B. When in the opinion of the Board it is necessary to meet the purposes of this Part, a variance may be conditioned upon measures not specified in this Part.
7. At all times, the burden to present credible evidence and the burden of persuasion shall be upon the Applicant seeking relief.
8. Relief from Replacement Area Requirement.
  - A. If any unimproved lot held in single and separate ownership does not contain suitable land for both a primary absorption area and a replacement absorption area, the landowner desiring to install an individual onlot system may request that the Board grant an exception to the requirement of providing a replacement area.
  - B. At a minimum, landowners seeking relief shall present credible evidence to the Board demonstrating:
    - (1) That the lot was held in single and separate ownership on the effective date of this Part.

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- (2) The size of the lot.
    - (3) The results of soil evaluation and testing that were conducted and which determine that the soil conditions on the lot are of an extent or nature that only a primary area exists on the lot.
    - (4) The inability of the applicant to acquire adjacent land, or the unsuitability of adjacent land which might be able to be acquired.
  - C. Under the subsection (H), the Board may condition relief on a more frequent pumping schedule, use of water conservation measures or other appropriate management techniques.
9. No lot shall be completely exempted from the requirements of this Part regarding initial system inspection and/or periodic tank pumping.
- A. 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:
    - (1) Loading rates which are greater than described in the permit for the system.
    - (2) For other good cause.
  - B. The SEO may extend 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 years, provided that supporting documents conclusively verify:
    - (1) Reduced system loading.
    - (2) Accumulation of sludge, scum or other residual materials to a level of less than 1/3 the liquid capacity of the tank.
    - (3) For aerobic tanks, the manufacturer's recommendations that indicate a greater interval is appropriate.
    - (4) A report from the SEO resulting from a site investigation indicating that no malfunction exists on the property.
    - (5) The system is consistent with the permit that was issued for the property.
  - C. The applicant for a lengthened pump-out interval shall bear the cost of any SEO inspection necessary to verify the justifications for relief submitted by the applicant.

- D. A one time extension for a period of two years may be granted.
- E. In no case shall the cumulative pump-out interval be greater than five years.
- F. Any altered pumping frequency shall automatically end when the factors upon which the altered requirement are predicated are removed or are no longer applicable.

(Ord. 99-1, 9/8/1999, §XIV)

**§215. Violations; Penalties; Suspensions.**

1. It shall be illegal to commence construction of a structure which will be served by an onlot system without first obtaining a permit for the system.
2. It shall be illegal to construct, alter or repair an onlot system without first obtaining a permit for the installation or repair from the SEO.
3. It shall be illegal to fail to maintain the components of an onlot system at the intervals specified in this Part, or those specified by the equipment manufacturer.
4. It shall be illegal for a hauler/pumper business to fail to file the necessary reports in a timely manner.
5. Any person who commits a summary offense and violates any of the provisions of this Part shall be subject to prosecution by the Township and, upon conviction before a District Justice, shall be subject to a fine of not less than \$300 nor more than \$1,000, plus costs of prosecution.
6. Each day of a continuing violation shall be considered a new and separate violation of this Part and shall be subject to separate penalty.
7. Any pumper/hauler business which has been convicted on two occasions for violations of this Part, or which fails to comply with any of the provisions of this Part, or which violates the conditions of its DEP permit relating to the handling treatment or disposition of septage materials, or of any State law or Township ordinance governing its operation, shall be barred from operating within the Township for a period of not less than six months nor more than two years, as determined by the Board.
8. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the Pennsylvania Sewage Facilities Act.

(Ord. 99-1, 9/8/1999, §XV)



**Part 3**

**Holding Tanks**

**§301. Short Title.**

This Part shall be known as the “Conewago Township Holding Tank Ordinance.”

(Ord. 99-2, 9/15/1999, §1)

**§302. Permit Required.**

1. It shall be unlawful for any individual, firm, association or corporation to erect, construct or install any holding tank of any kind within the limits of Conewago Township unless a sewage disposal system permit for the holding tank is issued by the Township Sewage Enforcement Officer under the authority of the Pennsylvania Sewage Facilities Act.
2. It shall be unlawful for any individual, firm, association or corporation to use, operate or maintain any holding tank of any kind within the limits of Conewago Township unless a holding tank operating permit for the holding tank is issued by the Township Sewage Enforcement Officer under the authority of this Part.

(Ord. 99-2, 9/15/1999, §2)

**§303. Definitions.**

**HOLDING TANK** — a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate treatment or disposal of the sewage at another site. Holding tanks include, but are not limited to:

**CHEMICAL TOILET** — a toilet using chemicals that discharges to a holding tank.

**RETENTION TANK** — a holding tank to which sewage is conveyed by a water carrying system.

**PRIVY** — a holding tank designed to retain sewage where water under pressure is not available.

**PORTABLE TOILETS** — also generally known as “job johnnies,” “porta potties” or by similar names are deemed to be holding tanks for the purposes of this Part.

(Ord. 99-2, 9/15/1999, §3)

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### §304. Issuance of Permit.

1. Permits for holding tanks may only be issued when proper application is made meeting the requirements of the various sections of this Part and the specific criteria of either subsection (2) or subsection (3) of this Section.
2. For other than temporary use under subsection (3) of this Section, and when subsections (A), (B) and (C) of this subsection apply, a permit may be issued. Permits issued under §304(7) (B) shall remain in effect until they are revoked or use of the holding tank associated therewith is subsequently discontinued and the tank is removed.
  - A. The permit application is for use in connection with an existing dwelling or place of business which the Sewage Enforcement Officer finds cannot be properly served by an onlot sewage disposal system meeting the requirements of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto.
  - B. The proposed holding tank will be located at such a place where there will be suitable access for the vehicle necessary to remove the contents of the holding tank when required.
  - C. For new structures or land uses, the property where the proposed holding tank will be installed must be located in an area of the Township for which a “notice to proceed” has been issued by the Township for construction of a sewage collection system.
3. A permit pursuant to this Part is not required for temporary use at a construction site.
4. A permit pursuant to this Part is not required for temporary use at a public gathering or entertainment which occurs for fewer than 40 event days per calendar year.
5. The absence of a permit does not relieve the landowner of the provisions of this Part relating to periodic pumping of the holding tank’s contents and disposal at DEP permitted or approved sites.
6. The penalty provisions of this Part regarding discharges of holding tank contents to the surface of the ground or waters of the Commonwealth shall apply even for holding tanks exempted from the permitting provisions of this subsection.

(Ord. 99-2, 9/15/1999, §4)



**§305. Department of Environmental Protection Approval.**

No application shall be approved unless the ultimate disposal site for the contents of the holding tank shall be approved or permitted by the Department of Environmental Protection to receive such materials. The Township may reject the individual, firm or corporation designated as being responsible for the removal of the contents of the holding tank and/or the individual, firm or corporation designated as being the ultimate recipient of such contents for any reasonable cause including, but not limited to, the following:

- A. The proposed ultimate disposal site has not been approved or permitted by the Department of Environmental Protection or its approval or permit has been suspended or revoked.
- B. Such individual, firm or corporation has, on at least three occasions, failed to remove the contents from a holding tank on a timely basis, after being notified to do so. The Township will give 10 days written notice of its intent to reject and the Board of Supervisors will hear a written appeal if requested to do so within 10 days after notice of intent to reject is mailed to the provider's last known address obtained from the Township's records.
- C. Such individual, firm or corporation has, in the past, been convicted of depositing septage or holding tank contents in locations other than those approved by the Pennsylvania Department of Environmental Protection.

(Ord. 99-2, 9/15/1999, §5)

**§306. Application for Permit.**

- 1. All applications for a permit under this Part shall be made to the Conewago Township Enforcement Officer on forms provided by the Township. The application for a permit shall be signed by the owner or owners of the property on which the holding tank is to be located.
- 2. The application shall be accompanied by an agreement executed on forms supplied by the Township and signed by the individual, firm or corporation which is to be responsible for the removal of the contents of the holding tank and by the individual, firm or corporation which is to be the ultimate point of disposition of the contents of the holding tank, agreeing that they will respectively remove and accept the contents of the holding tank described in the permit application.
- 3. The applicant shall submit with the permit application an application fee in an amount which is, from time to time, established by the Board of Supervisors, by resolution.
- 4. To establish a relationship with a different holding tank pumping contractor than that identified in the then current permit, the landowner must reapply for a per-

## SEWERS AND SEWAGE DISPOSAL

mit by complying with §304(9) of this Part. There shall be no filling fee when the sole purpose of reapplication is to change pumping contractors.

5. All applications and changes in pumping contractors shall include an agreement in recordable form referencing the use of a holding tank on the property, the existence of a holding tank permit for the property and the existence of the holding tank ordinance.

(Ord. 99-2, 9/15/1999, §6)

### **§307. Escrow Payment Required.**

1. The applicant shall submit with the permit application an escrow payment in an amount which is, from time to time, established by the Board of Supervisors, by resolution. Said amount shall be held in escrow by the Township to be used by the Township to pump, repair or restore the system or its components to normal working order in the event that:
  - A. The contracted pumper fails to pump the system in a timely manner and when such failure results in a discharge of sewage to the surface of the ground or waters of the Commonwealth.
  - B. The system, or any of its components, is discovered, upon inspection, to be defective, unsafe or unsatisfactory.
2. In the event that the Township uses all or part of the escrow funds, the landowner shall, upon written notice from the Township, make such additional deposit as to restore the escrow account to full value and, if necessary, repay any amount expended by the Township in excess of the escrow account.
3. Any sums remaining in the escrow shall be returned to the applicant upon the removal of the holding tank.
4. No interest shall be paid on escrow funds. All interest that may be earned shall be applied to offset the administrative costs of this Part and its related activities.

(Ord. 99-2, 9/15/1999, §7)

### **§308. Tank Capacity.**

All holding tanks shall have a minimum total liquid capacity of 2,000 gallons, and meet all requirements of 25 Pa. Code, Chapter 73, regarding construction, and must be installed in a manner which insures that they will not float when empty.

(Ord. 99-2, 9/15/1999, §8)

**§309. Alarm Systems.**

1. Every holding tank shall be equipped with an audible alarm system which will give warning when the tank is filled to 75% capacity.
2. Every holding tank shall be equipped with a visible alarm system which will give warning when the tank is filled to 75% capacity.
3. It shall be a violation of this Part to shut off, tamper with or render an audible or visible alarm inoperative.
4. In the event the Sewage Enforcement Officer finds that either alarm system on any holding tank has been tampered with or rendered inoperative, within three days of the notice of discovery he shall notify the land owner, in writing, of the need to restore the system to proper working condition.
5. If the repairs are not completed within three days of receipt of said notice, the Sewage Enforcement Officer shall use the escrow funds to cause the system to be restored.

(Ord. 99-2, 9/15/1999, §9)

**§310. Responsibilities of Permit Holder.**

The holder of a permit issued pursuant to this Part shall:

- A. Notify the designated individual, firm or corporation responsible for the removal of holding tank contents at such time that the tank is filled to within 75% of capacity.
- B. Permit only the individual, firm or corporation designated in the application to remove holding tank contents.
- C. Cause the individual, firm or corporation designated in the application to remove holding tank contents to report to the Township, on Township supplied forms, a record of each pumping activity.

(Ord. 99-2, 9/15/1999, §10)

**§311. Inspection by Sewage Enforcement Officer.**

1. Following the issuance of a permit pursuant to this Part, the Sewage Enforcement Officer shall, from time to time, inspect the holding tank but not less frequently than once a year.

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2. In the event the Sewage Enforcement Officer finds the holding tank to be filled in excess of 75% of capacity, the permittee shall within 10 days after being billed therefore, pay to the Township an inspection fee in an amount periodically set by the Board of Supervisors, by resolution.
3. In the event the Sewage Enforcement Officer finds that the holding tank is filled to more than 85% of capacity, he shall promptly make arrangements to have the holding tank pumped, and the cost of such removal shall be paid from the fund held in escrow. In the event the permit holder fails to pay the above referenced to inspection fee within the ten-day period, the Sewage Enforcement Officer may, in addition, revoke the permit issued pursuant to this Part, and all amounts remaining in the escrow fund after payment of the inspection fee and payment of the cost of removal of the contents of the holding tank shall be forfeited to the Township.
4. In the event that the permit issued pursuant to this Part is revoked, the holding tank shall be removed within 10 days from the date of revocation of the permit.

(Ord. 99-2, 9/15/1999, §11)

### **§312. Pumping Requirements.**

1. Holding tanks shall be pumped to standard incorporated in the Conewago Township Sewage Management Ordinance [Part 2].
2. Whenever a holding tank's contents are pumped out, it shall be the responsibility of the individual, firm or corporation designated in the application to remove holding tank contents to report such pumping activity to the Township, on a form provided by the Township, supplying all information required thereon.

(Ord. 99-2, 9/15/1999, §12)

### **§313. Permits Nontransferable.**

1. Permits issued under this Part are not transferable.
2. All holding tanks in Conewago Township, whether or not they were installed pursuant to a permit from the Sewage Enforcement Officer are subject to the operating permit provisions of this Part.
3. Within 30 days of the enactment of this Part, the owner of every property served by a holding tank shall apply for a holding tank operating permit as required by this Part.

(Ord. 99-2, 9/15/1999, §13)

**§314. Responsibility of Real Property Owner.**

1. It shall be the responsibility of the owner of real property served by a holding tank which was installed, permitted or operated pursuant to this Part to disclose that fact to all prospective buyers.
2. When the ownership of a property served by a holding tank is transferred, the subsequent (new) owner shall obtain a permit under this Part prior to the transfer of title.
  - A. Until such time as a permit is issued in the name of the new owner, the previous owner shall be responsible and liable for the operation and maintenance of the holding tank on the property in question.
  - B. When the new owner makes the necessary application and escrow payments, and after transfer of title, any positive escrow account balance shall be refunded to the previous owner.
  - C. Until any negative escrow account balance is paid, no new permit shall be issued and the previous owner shall be responsible and liable for the operation and maintenance of the holding tank.
  - D. Prior to issuing a permit under this Part to a new owner, the Sewage Enforcement Officer shall inspect the holding tank in the usual and customary manner, and any deficiencies found shall be corrected before the structure can be occupied or a new permit issued.

(Ord. 99-2, 9/15/1999, §14)

**§315. Penalties.**

1. Any individual, firm, association or corporation violating any of the provisions of this Part shall upon conviction thereof be subject to a penalty in the amount of not less than \$1,000 for each, and every offense. Each and every day that a violation of any of the provisions of this Part occurs and each and every day that a holding tank remains erected, constructed or installed without a permit having been issued pursuant to this Part or after a permit has been revoked shall be considered a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.
2. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the Pennsylvania Sewage Facilities Act.
3. No individual, firm, association, or corporation which owns property which is in violation of any of the provisions of this Part shall be issued a permit to erect, construct, install or maintain a holding tank on a different property until the current violation has been cured.

(Ord. 99-2, 9/15/1999, §15)



**Part 4**

**Derry Township Municipal Authority Sewers**

**§401. Definitions.**

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

**AUTHORITY** — Derry Township Municipal Authority, a municipality authority existing under and governed by the provisions of the Municipality Authorities Act (53 Pa.C.S.A. §5601 et seq.) of the Commonwealth.

**BUILDING SEWER** — the extension from the sewage drainage system of any structure to the lateral of a sewer.

**COMMONWEALTH** — the Commonwealth of Pennsylvania.

**IMPROVED PROPERTY** — any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** — any improved property located in this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property located in this Township, from which wastes, in addition to or other than sanitary sewage, shall be discharged.

**INDUSTRIAL WASTES** — any and all wastes discharged from an industrial establishment, other than sanitary sewage.

**LATERAL** — that part of the sewer system extending from a sewer to the curblineline or, if there shall be no curblineline, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

**OWNER** — any person vested with ownership, legal or equitable, sole or partial, of any improved property.

**PERSON** — any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority, or other group or entity.

**SANITARY SEWAGE** — normal water-carried household or toilet wastes from any improved property.

## SEWERS AND SEWAGE DISPOSAL

**SEWER** — any pipe or conduit constituting a part of the sewer system and used or usable for sewage collection purposes.

**SEWER SYSTEM** — all facilities, as of any particular time, for collecting, transmitting, treating or disposing of sanitary sewage or industrial wastes, situate in or about this Township and owned by this Township or Derry Township Municipal Authority.

**STREET** — includes any street, road, lane, court, cul-de-sac, alley, public way, or public square.

**TOWNSHIP** — the Township of Conewago, Dauphin County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

(Ord. 2003-2, 11/12/2003, Art. I)

### **§402. Use of Public Sewers Required.**

1. The owner of any improved property which is located in this Township and which is adjoining and adjacent to any part of the sewer system shall connect such improved property with such sewer system, in such manner as this Township may require, within 60 days after notice to such owner from this Township, or from the Authority on its behalf, to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property in accordance with the rules and regulations and subject to such rates, limitations, and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority from time to time.
2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §402.1, shall be conducted into such sewer in accordance with the rules and regulations and subject to such rates, limitations, and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority from time to time.
3. Prohibited Discharges.
  - A. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of §402.1.
  - B. No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of §402.1, except where suitable treatment has been provided that is satisfactory to this Township.



- C. No person shall place, deposit, or discharge or permit to be placed, deposited, or discharged to the sewer system any sanitary sewage, industrial wastes, or any other material or thing except through a connection to the sewer system made pursuant to and in accordance with all requirements of this Part.
- 4. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under §402.1 to be connected to a sewer.

Every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be abandoned and, at the discretion of this Township or the Authority on its behalf, shall be cleansed and shall be filled, at the expense of the owner of such improved property, unless otherwise provided for by the Authority, under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and, if so required, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

- 5. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected with a sewer.
- 6. The notice by this Township, or by the Authority on this Township's behalf, to make a connection to a sewer, referred to in §402.1, shall include a reference to this Part, including any amendments or supplements at the time in effect, in a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served to the owner by personal service or registered mail, in accordance with applicable law.

(Ord. 2003-2, 11/12/2003, Art. II)

**§403. Building Sewers and Connection Permits.**

- 1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Township or the Authority on its behalf.
- 2. Application for a permit required under §403.1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

## SEWERS AND SEWAGE DISPOSAL

3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
  - A. Such person shall have notified the Authority or other designated representative of this Township of the desire and intention to connect such improved property to a sewer.
  - B. Such person shall have applied for and shall have obtained a connection permit as required by §403.1.
  - C. Such person shall have given such designated representative at least 48 hours' notice of the time when such connection will be made so that the Authority may inspect or may cause to be inspected the work of connection and necessary testing.
  - D. If applicable, such person shall have furnished satisfactory evidence to such designated representative that any fee charged and imposed by this Township or the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.
4. Except as otherwise provided in this §403.4, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property, or more than one structure discharging sewage on a single improved property; on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.
5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
6. A building sewer shall be connected to a sewer at the place designated by this Township or the Authority on its behalf and where, if applicable, the lateral is provided and in accordance. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
7. If the owner of any improved property which is located within this Township and which is adjoining or adjacent to the sewer system, or whose principal building is within 150 feet from a sewer, after 60 days' notice, in accordance with §402.1,

shall fail to connect such improved property and use the sewer system, as required, this Township, or the Authority on its behalf, may make such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 2003-2, 11/12/2003, Art. III)

**§404. Building Sewer and Connection Rules and Regulations.**

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.
2. No building sewer shall be covered until it has been inspected and approved by this Township or the Authority on its behalf. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a building sewer shall be guarded adequately, including with barricades and lights to the extent necessary or appropriate, to protect all persons from damage and injury. Any excavation that exposes the tee of a lateral must be shored to the extent necessary to prevent the undermining of curbs, streets, and roads at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township or the Authority on its behalf. Any street, sidewalk and other property (other than the owner's property) disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township or the Authority on its behalf.
5. If any person shall fail or shall refuse, upon receipt of a written notice of this Township or the Authority on its behalf, to remedy any unsatisfactory condition with respect to a building sewer within 60 days of receipt of such notice, this Township or the Authority on its behalf may treat such refusal in the same manner as though the owner had failed to connect such improved property to the sewer system and may proceed to remedy the condition and collect the cost thereof as provided in §403.7.
6. This Township and the Authority reserve the right to adopt, from time to time, additional rules and regulations as shall be necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and

## SEWERS AND SEWAGE DISPOSAL

regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 2003-2, 11/12/2003, Art. IV)

### **§405. Enforcement.**

1. Any person who shall violate this Part shall be subject, upon being found liable therefor in an appropriate legal enforcement proceeding commenced by this Township, or the Authority on its behalf, to a penalty of not more than \$1,000, together with all court and related costs, and reasonable attorney fees, incurred by this Township and the Authority. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violating party shall be liable as such.
2. All connections to and use of the sewer system shall be subject to the rules and regulations appertaining thereto adopted by this Township or the Authority from time to time, as applicable, which rules and regulations are incorporated herein by this reference and made a part hereof, and failure to observe and comply with such rules and regulations shall constitute a violation of this Part for purposes of §405.1 hereof.
3. Penalties, fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 2003-2, 11/12/2003, Art. V)

### **§406. Purpose.**

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 2003-2, 11/12/2003, Art. VIII)

**Part 5**

**Conewago Municipal Authority Sewers**

**§501. Definitions.**

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

**AUTHORITY** — Conewago Municipal Authority, a municipality authority existing and governed pursuant to the provisions of the Municipality Authorities Act (53 Pa.C.S.A. §5601 et seq.), as amended and supplemented, of the Commonwealth.<sup>2</sup>

**BUILDING SEWER** — the extension from the sewage drainage system of any structure to the lateral of a sewer.

**COMMONWEALTH** — the Commonwealth of Pennsylvania.

**IMPROVED PROPERTY** — any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** — any improved property located in this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering, or assembling of any product, commodity, or article, or any other improved property located in this Township from which wastes, in addition to, or other than, sanitary sewage, shall be discharged.

**INDUSTRIAL WASTES** — any and all wastes discharged from an industrial establishment, other than sanitary sewage.

**LATERAL** — that part of the sewer system extending from a sewer to the curblineline or, if there shall be no curblineline, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

**OWNER** — any person vested with ownership, legal or equitable, sole or partial, of any improved property.

**PERSON** — any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority, or other group or entity.

**SANITARY SEWAGE** — normal water-carried household and toilet wastes from any improved property.

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<sup>2</sup> Editor's Note: See Ch. 1, Part 8.

## SEWERS AND SEWAGE DISPOSAL

SEWER — any pipe or conduit constituting a part of the sewer system and used or usable for sewage collection purposes.

SEWER SYSTEM — all facilities, as of any particular time, for collecting, transmitting, treating, or disposing of sanitary sewage or industrial wastes, situate in or about this Township and owned by the Authority.

STREET — includes any street, road, lane, court, cul-de-sac, alley, public way, or public square.

TOWNSHIP — the Township of Conewago, Dauphin County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

(Ord. 2006-4, 11/8/2006, Art. I)

### **§502. Use of Public Sewers Required.**

1. Connection Required; Exceptions.
  - A. The owner of any improved property which is adjoining and adjacent to a sewer, and whose principal building is within 150 feet from a sewer, shall connect such improved property with such sewer, in such manner as the Authority may require, within 60 days (or such other longer period of time as may be prescribed by the Authority in its discretion) after notice to such owner from this Township, or from the Authority on its behalf, to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.
  - B. Notwithstanding the provisions of §502.1A, this Township shall not require any commercial or industrial business to connect to the sewer system when such commercial or industrial business is operating a sewer treatment plant under mandate of any agency of the federal or state government. This exemption shall last as long as such sewer treatment plant continues to meet the specifications and standards mandated by such federal or state agency and for 45 days thereafter. If, during the days immediately subsequent to the day a business' sewer treatment plant is determined to be below federal or state mandates, repairs cannot be made to bring the system back up to satisfactory condition, this Township may require such business to connect to the sewer system. In such case, the full costs of connection to, and any necessary refurbishing of, the sewer system shall be borne by such business.
  - C. The exemption provided for in §502.1B shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of such sewage treatment plant, of this

Township's intention to construct, or cause to be constructed, a sanitary sewer system and to require that business to connect with the sewer system.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §502.1, shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.
3. Prohibited Discharges.
  - A. No person shall place, shall deposit, or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of §502.1.
  - B. No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of §502.1, except where suitable treatment has been provided that is satisfactory to the Authority.
4. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under §502.1 to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the owner of such improved property, unless otherwise provided for by the Authority, under the direction and supervision of the Authority, and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and, if required by the Authority, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.
5. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected with a sewer.
6. The notice by this Township, or by the Authority on this Township's behalf, to make a connection to a sewer, referred to in §502.1, shall include a reference to this Part, including any amendments or supplements at the time in effect, in a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days (or such other longer period of time as may be prescribed by the Authority in its discretion) from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served to the owner by personal service or registered (certified) mail, in accordance with 53 P.S. §67502.

(Ord. 2006-4, 11/8/2006, Art. II)

## SEWERS AND SEWAGE DISPOSAL

### **§503. Building Sewers and Connection Permits.**

1. No person shall uncover, shall connect with, shall make any opening into, or shall use, shall alter, or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from the Authority.
2. Application for a permit required under §503.1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
  - A. Such person shall have notified the designated representative of the Authority of the desire and intention to connect such improved property to a sewer.
  - B. Such person shall have applied for and shall have obtained a connection permit as required by §503.1.
  - C. Such person shall have given such designated representative of the Authority at least 48 hours' notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.
  - D. If applicable, such person shall have furnished satisfactory evidence to such designated representative of the Authority that any tapping fee or other charge imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.
4. Except as otherwise provided in this §503.4, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property, or more than one structure discharging sewage on a single improved property, on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.
5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.



6. A building sewer shall be connected to a sewer at the place designated by the Authority and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
7. If the owner of any improved property which is located within this Township and which is adjoining or adjacent to a sewer, and whose principal building is within 150 feet from a sewer, after 60 days' (or such other longer period of time prescribed by the Authority) notice, in accordance with §502.1, shall fail to connect such improved property and use the sewer system, as required, this Township, or the Authority on its behalf; may make such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 2006-4, 11/8/2006, Art. III)

#### **§504. Building Sewer and Connection Rules and Regulations.**

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.
2. No building sewer shall be covered until it has been inspected and approved by the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Authority.
5. If any person shall fail or shall refuse, upon receipt of a written notice of the Authority, to remedy any unsatisfactory condition with respect to a building sewer within 30 days (or other period of time prescribed by the Authority) of receipt of such notice, the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.
6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a

## SEWERS AND SEWAGE DISPOSAL

sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 2006-4, 11/8/2006, Art. IV)

### **§505. Enforcement.**

1. Any person who shall violate this Part shall be subject, upon being found liable therefor in an appropriate legal enforcement proceeding commenced by this Township, or the Authority on its behalf, to a penalty of not more than \$1,000, together with all court and related costs, and reasonable attorney fees, incurred by this Township and the Authority. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violating party shall be liable as such.
2. Penalties, fines, and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 2006-4, 11/8/2006, Art. V)

### **§506. Purpose.**

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 2006-4, 11/8/2006, Art. VIII)