

TOWNSHIP OF UPPER SALFORD, MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE 2010-

AN ORDINANCE AMENDING CHAPTER 18, SEWERS AND SEWAGE OF THE CODE OF ORDINANCES OF UPPER SALFORD TOWNSHIP TO RENUMBER EXISTING PART 2A - STORMWATER MANAGEMENT AS PART 1A, TO RENUMBER PART 2B - EAST BRANCH PERKIOMEN CREEK AS PART 1B, TO RENUMBER EXISTING PART 1 - SPRAY IRRIGATION WASTEWATER DISPOSAL SYSTEMS AS PART 2A, TO ADD A NEW PART 2B - INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM MANAGEMENT, ESTABLISHING REGULATIONS FOR THE INSTALLATION, INSPECTION AND ON-GOING MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS, AND FURTHER, ESTABLISHING APPLICATION AND PERMITTING PROCESSES AND FINANCIAL AND OR PERFORMANCE ASSURANCES FOR ALL INDIVIDUAL ON-LOT SEWAGE TREATMENT AND DISPOSAL SYSTEMS, AND PROVIDING FOR IMPOSITION OF PENALTIES FOR NONCOMPLIANCE AND APPEALS FOR HARDSHIP SITUATIONS; AND TO ADD A NEW PART 2C - PUBLIC SANITARY SEWER SYSTEM, ESTABLISHING REGULATIONS REQUIRING THE CONNECTION TO THE UPPER SALFORD TOWNSHIP PUBLIC SANITARY SEWER SYSTEM, REQUIRING INSTALLATION OF SANITARY SEWER FACILITIES WITHIN ANY LOT LOCATED IN A DESIGNATED SEWER SERVICE DISTRICT, REQUIRING THE PROPER ABANDONMENT OF EXISTING ON-LOT SEWAGE DISPOSAL SYSTEMS, PROHIBITING CERTAIN ACTIVITIES, REQUIRING PERMITTING AND TRAINING REQUIREMENTS FOR CONNECTION TO THE SYSTEM, PROVIDING REGULATIONS FOR THE OPERATION AND MAINTENANCE OF SANITARY SEWER FACILITIES ON LOTS, ESTABLISHING SEWER FEES, REGULATING INDUSTRIAL AND COMMERCIAL WASTES, AND ESTABLISHING PENALTIES AND ENFORCEMENT PROVISIONS FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Board of Supervisors of Upper Salford Township has adopted a Sewage Facilities Plan pursuant statutory authority granted the municipality in the Pennsylvania Sewage Facilities Act, 35 P.S. 750.1, et seq., ("the Act"), as implemented by and through the regulations issued by the Pennsylvania Department of Environmental Protection, Title 25, Chapters 71, 72 and 73; and

WHEREAS, the Board of Supervisors is authorized pursuant to such statutory authority, to take actions necessary to assure continued compliance of individual on lot sewage facilities with the Act, the Clean Streams Law and regulations promulgated thereunder; and

WHEREAS, the Sewage Facilities Plan of Upper Salford Township provides that the permitted means of sewage disposal for that area defined as the rural balance of the township is on-lot soil based sewage disposal systems, requiring that sufficient land area be provided for each lot to provide adequately for both current and future sewage disposal needs, including a provision for replacement area for each lot; and

WHEREAS, as mandated by the Second Class Township Code, the Clean Streams Law (35 P.S. § 691.1 to 69L 1001), Title 25 of the Pennsylvania Code, and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966. P.L. 1535 as amended, 35 P.S. § 750.1 et seq., known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for protection of the public health by preventing the discharge of untreated or inadequately treated sewage; and

WHEREAS, the Township is authorized to regulate connection to any public sewage system within the Township and to provide for both the necessary and required connections of improved properties to the public sewer system and the operation, maintenance, and rehabilitation of the Upper Salford Township Public Sewer System and to establish both the fees and the penalties required for the purposes of this Ordinance.

NOW THEREFORE, the Supervisors of Upper Salford Township, Montgomery County, Pennsylvania do hereby ordain and enact as follows:

SECTION 1. Chapter 18 - Sewers and Sewage, Part 2A - Stormwater Management of the Upper Salford Township Code of Ordinances is re-numbered as Part 1A.

SECTION 2. Chapter 18 - Sewers and Sewage, Part 2B - Stormwater Management - East Branch Perkiomen Creek of the Upper Salford Township Code of Ordinances is re-numbered as Part 1B

SECTION 3. Chapter 18 - Sewers and Sewage, Part 1 - Spray Irrigation Wastewater Disposal Systems of the Upper Salford Township Code of Ordinances is re-numbered as Part 2A.

SECTION 4. Chapter 18 - Sewers and Sewage of the Upper Salford Township Code of Ordinances is amended to add a new Part 2B to be entitled Sewage System Management and to provide as follows:

§101. Short Title. This Ordinance shall be known as and may be referred to as, the Upper Salford Township Individual On-lot Sewage Disposal System Management Ordinance.

§102. Purposes

A. To provide for the regulation, inspection, maintenance and rehabilitation of individual on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

B. To establish minimum standards for the periodic pumping of treatment, dosing and lift-pump tanks which are components of on-lot systems permitted by the SEO; and,

C. To adopt standards for initial inspection and subsequent pumping of systems and tanks.

D. To provide standards for lot area adjustment and replacement testing for all lots proposed to be created by land development or subdivision.

§103. Terms and Definitions

The following words and terms when used in this Part 2B of Chapter 18 shall have the following meanings when used in this Chapter:

Absorption Area - a component of an individual or community sewage system where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

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

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 Ordinance as the agent of the Board.

Board - The Governing body of Upper Salford Township, Montgomery 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.

Montgomery County Health Department (MCHD) – The designated Sewage Enforcement Officer (SEO) for Upper Salford Township for permitting of individual on-lot sewage facilities and for enforcement of on-lot sewage disposal regulations.

Community Sewage System - A system, whether publicly or privately owned, for the collection of sewage of a liquid nature from two or more lots, and for the treatment or disposal of the sewage 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 four hundred (400) gallons per day.

Individual On-lot Sewage System (OLDS) – A sewage disposal system which uses a system of piping, tanks and an absorption area for soil absorption of sewage effluent either on the lot being served or in an easement onto another lot.

Individual Residential Spray Irrigation System (IRSIS) - A sewage disposal system which uses a system of piping, tanks, treatment modules and the spraying of treated effluent either on the lot being served or in an easement onto another lot. See Upper Salford Township Code,

Chapter 18, Sewers and Sewage Disposal, Part 2A, Spray Irrigation Wastewater Disposal Systems.

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 on-lot 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.

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 on-lot sewage disposal system, and which will be preserved and protected from alteration for installation of the initial on-lot 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 on-lot 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 on-lot sewage system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge.

Regulations - The Pennsylvania Code, Title 25, Chapters 71, 72 and 73.

Repair - Work done to modify, alter, rehabilitate or enlarge an existing on-lot 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 on-lot 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 no piped water under pressure and no piped wastewater is available.

INCINERATING TOILET - A device capable of reducing waste materials to ashes.

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

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

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

Sewage - Any substance that contains any waste products, or excrement, or other discharge from the bodies of human beings or animals; a substance harmful to the public health, 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) - Any person certified by the State Board for the Certification of Sewage Enforcement Officers, who is employed by the Montgomery County Health Department (MCHD) to administer the provisions of this Ordinance, the provisions of the Act, and the regulations in PA Code Title 25, 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 on-lot 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 ordinance, 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 on-lot 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 on-lot 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 – Upper Salford Township, Montgomery County, Pennsylvania.

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

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

AEROBIC SEWAGE TREATMENT TANK - A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

§104. Permits Required - Coordination with Building Permits - DEP Permitted Systems.

A. All individual or community on-lot 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 Ordinance, the Act and Regulations.

B. Building or zoning permits shall not be issued for any building, or improvement to real property to be serviced by an on-lot system, prior to receiving a permit for the installation of the on-lot system from the SEO.

C. All system components including absorption areas shall 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, unless approved by the SEO and the Upper Salford Township Board of Supervisors.

D. 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.

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

F. The use of a Terralift machine or conducting a Terralift procedure are hereby deemed to constitute the alteration of an on-lot 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 per Chapter 72, Subsection 72.22(b) of the regulations.

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

H. Permit applications for on-lot 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.

I. Permit applications for which the provisions of Section 106 of this Part 2B of Chapter 18 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 the owner shall provide the Township with the new maintenance contract within thirty (30) days.

§105. Replacement Areas; Lot Area Enlargement

A. A replacement area shall be required for all proposed or existing lots on which a dwelling or structure providing sanitary facilities is proposed to be constructed which are intended to be serviced by a soil absorption system, except an IRSIS. All replacement areas shall be subject to testing and confirmation by soils testing that the replacement area meets the minimum standards established in PA DEP Regulations for soil absorption systems. When required, testing for a replacement area shall be conducted and the results provided to the Township prior to the approval of any plan of subdivision or land development. No replacement

area shall be required for any application involving the replacement of an existing, malfunctioning system.

B. In the absence of verification of the suitability of any land allocated for use as a replacement area, provision of open land for the replacement area shall not constitute compliance with the requirements of this Section 105.

C. The location of the primary and replacement areas shall be delineated and identified as an absorption area on the plot plans, maps or diagrams submitted as part of the permit application and subdivision or land development plan.

D. The description, including metes and bounds, of every absorption area 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:

1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area.
2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area.
3. During any construction or other activities, the absorption area shall be 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.
4. The final cover or improvement to every absorption area shall be limited to shallow-rooted plant matter.

E. A landowner wishing to alter the use of the absorption area shall document through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists. Upon confirmation and acceptance of the alternate replacement area, the landowner shall execute a declaration which shall meet the requirements of subsection D of this Section 105 and shall describe by metes and bounds the area to be abandoned, to be recorded in the Office of the Recorder of Deeds of Montgomery County. The recording of the required declaration shall be completed by the Township at the sole cost of the landowner.

F. Where site testing of a tract of land proposed for subdivision indicates the location of marginal soils for on-lot sewage disposal, as defined by PA DEP, the lots proposed to contain marginal soils shall be increased by a factor of 1.5 of the required lot area as set forth in the Zoning Ordinance for the district in which the property is located.

§106. Individual Residential Spray Irrigation and Advanced Technology Systems

A. Individual Residential Spray Irrigation Systems.

1. All applications for on-lot systems which propose to use an Individual Residential Spray Irrigation System as the treatment method, shall comply with the requirements of Chapter 18, Part 1, §§101 through 116, inclusive. All applications shall include an Operation and Maintenance Agreement as provided by the Township.

2. Upon obtaining a permit for the construction of an on-lot system utilizing an Individual Residential Spray Irrigation Systems, and prior to the commencement of any construction, the landowner shall deposit with the Township the sum of \$2,500.00, or such amount as has been established by the Township by resolution, whichever is greater.

B. Advanced Technology Systems

1. Those systems listed on Table V-3 at D, E, F and G in the Act 537 Sewage Facilities Plan of Upper Salford Township shall be included within this classification, as well as such systems classified as alternate or experimental by the DEP alternate or experimental technical guidance manual. No system which is not included in Table V-3 shall be permitted to be installed unless an amendment to the official Act 537 Sewage Facilities Plan is approved by the Township and only upon such conditions as may be imposed by the Township relating to its operation and maintenance.

2. All applications for advance technology systems shall be required to include an Operation and Maintenance Agreement as provided by the Township.

3. Upon obtaining a permit for the construction of an on-lot system utilizing an Advanced Technology System, and prior to the commencement of any construction, the landowner shall deposit with the Township the sum of \$2,500.00, or such amount as has been established by the Township by resolution, whichever is greater.

§107 - Maintenance of Systems

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

B. The owner of a property upon which an on-lot 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.

C. In the event a landowner or authorized inspection entity 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.

1. Landowners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.

2. 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.

D. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in Section 112 of this Part 2B of Chapter 18. If a component's manufacturer requires a more frequent pumping interval than contained in this ordinance, that interval shall be deemed the minimum interval for pumping.

E. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.

F. Retaining tanks and privies 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.

G. Upon completion of each required pumping, the property owner shall provide the required information to the Township.

H. Initial and periodic tank pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:

1. Tanks shall ONLY be pumped from/through the manhole/access port, i.e., the largest tank opening.

2. Tanks shall NOT be pumped from/through the observation port.

3. 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.

4. 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 on-lot wastewater system maintenance and disposal of materials removed therefrom.

5. The property owner shall complete and file the form as provided by Upper Salford Township.

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

1. A copy of the manufacturer's recommendations and owner's manual shall be on file with the Township after the effective date of this Ordinance.

2. Landowners of systems with components requiring periodic maintenance shall be required to submit reports of maintenance performed to the Township documenting maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturers.

3. In no case may the service or pumping intervals exceed those established in Section 112 of this Part 2B of Chapter 18.

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

M. Where a system is permitted pursuant to Section 106 of this Part 2B of Chapter 18, the maintenance requirements shall be as required by the Operation and Maintenance Agreement except where the provisions of this Ordinance are more stringent, in which case the requirements of this Ordinance shall prevail.

§108 - Operation of Systems

A. All systems shall be operated by the user in a manner that is in full compliance with the terms of this Ordinance, the Act and Regulations, and the system's permit.

B. Only sewage and normal domestic wastes shall be discharged into any sewage facilities.

C. The following shall not be discharged into the sewage facilities:

1. Industrial waste
2. Fats and grease
3. Motor oil
4. Hazardous waste
5. Chemicals including, but not limited to:
 - a. Pesticides and herbicides
 - b. Acids

- c. Paint, paint thinner and solvents, including latex or water based paints
- d. Wallpaper pastes and adhesives
- e. Photo processing chemicals
- 6. Down spout and/or roof drain discharges
- 7. Sump pump and basement drain discharges

D. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage, including water used in hot tubs or saunas, shall be discharged into a treatment tank.

E. 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.

F. 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 from the DEP.

§109 - Right of Entry

A. The execution of a Sewage Facilities Planning Module by the Township for a land development proposing the construction and use of on-lot 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 on-lot system described in the application and permit.

B. The grant of right of entry cannot be revoked, suspended or discontinued by the present or any future owner.

C. Any property on which an on-lot system presently exists, or on which an on-lot 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 on-lot disposal system described in the application and permit. It shall be the obligation of both the seller and purchaser of such property to notify the Township of the proposed conveyance and to provide for the required language in the deed.

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

§110 - Certified Inspectors Business Registration

A. If not required to be registered with the County Health Department, all certified inspectors offering services to property owners that will enable their compliance with the terms of this Ordinance shall provide proof of their certification to the Township with each reporting submission described herein.

B. Acceptable forms of certification include any or all of the following:

1. Individual membership in the PA Septic Management Association.
2. Proof that there is at least one employee/owner within the inspection firm certified by the PA Septic Management Association to perform On-lot Wastewater Treatment Inspections.
3. Active licensing as a Pennsylvania State Sewage Enforcement Officer to perform on lot inspections.

§111 - Fees

The Board may, by resolution, establish a fee schedule and collect fees as the Township determines necessary to offset the Township's actual costs of administering this Ordinance.

§112 - Schedule of Maintenance

A. Every on-lot system in the Township shall be required to be pumped out at a minimum of at least every three years in accordance with Section 107 of this Part 2B of Chapter 18.

B. Compliance with this section shall be established by completing and filing the form provided by the Township together with a pumping receipt dated after the effective date of this Ordinance.

C. After the initial pumping as required under subsection A. of this Section 112, tanks in all systems shall be pumped out at a minimum regular interval of once every three (3) years from the year of either the initial pumping or a subsequent pumping. Compliance with this section shall be established by completing and filing the form provided by the Township together with a pumping receipt dated within 30 days of the date of the filing. 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 Ordinance shall not be construed in any manner as direction or authorization to reduce the frequency of pumping. This Ordinance establishes the minimum pump out requirement for all treatment tanks that do not exhibit characteristics that indicate more frequent pumping is required. Landowners may choose to have

tanks pumped out more frequently. When more frequent pump-outs are undertaken in a manner consistent with Section 107 of this Part 2B of Chapter 18, the date of the 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. In the event that on-lot sewage disposal is no longer used to serve a property, whether on that property or on an easement established on another lot, the right to enter under this ordinance shall cease.

D. The Township reserves the right to establish a program of mandatory inspection of on-lot systems. The Township shall be authorized to conduct an inspection of any on-lot system in the event that a report of a failure or malfunction of such system is received by the Township. The Township shall not be obligated to investigate anonymous reports of failure or malfunction.

E. Prior to entry for inspection, the Township shall give advance written 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. 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. Advance notice shall be given at least twenty-four hours prior to entry, unless waived, and shall be by telephone, First Class Mail or posting of the property. If notice is provided by mail, the date of the inspection shall not be less than seven (7) days from the date of the postmark of the letter.

F. Inspections authorized under this Ordinance may include, but are not limited to:

1. Taking of samples from surface water, wells, or other groundwater sources;
2. Sampling of the contents of the sewage disposal system;
3. Introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and/or ultimate destination of wastewater generated in the structure.

G. In the event that access to inspect the property is denied, the Township shall have the right to proceed according to law to obtain a search warrant and conduct the inspection established in this Ordinance.

H. Persons conducting inspections of existing on-lot systems for the purpose of fulfilling the inspection requirements of this Ordinance shall have successfully completed the On-lot Wastewater Treatment System Inspector program of the Pennsylvania Septage Management Association (PSMA) or be a duly licensed active Pennsylvania State Sewage Enforcement Officer. Inspectors are obligated to notify the Montgomery County Health Department of all inspection results that contain information or evidence pertaining to a suspected malfunction on the property. Inspectors shall be registered with the County Health Department, if required.

§113. - Abating Health Hazards – Liens

A. 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 on-lot system as provided under the terms of this Ordinance, 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.

B. The costs for the actual repair, repair permit and site investigations in support of the permit shall be borne by the property owner.

C. The Township may take whatever action necessary to recover these costs in accordance with law, including entering a lien against the property.

D. The Township may seek injunctive relief to prevent continued use of a malfunctioning on-lot system.

§114 - System Rehabilitation

A. The Township shall have the right to compel corrective action whenever a malfunction is identified. Where the Township determines that corrective action is necessary the following steps shall be taken:

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

2. Within seven (7) 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.

3. Within thirty (30) days of the original notification by the Township, construction of the permitted repair or replacement shall commence, unless seasonal or unique conditions mandate a longer period, in which case the Township shall, in cooperation with the SEO, modify the commencement date.

4. Within sixty (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, in cooperation with the SEO, modify the completion date.

B. The Township shall have the right to compel, or may take, immediate corrective action whenever a malfunction represents an imminent public health hazard or environmental threat.

C. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot system, the property owner shall be required at all times to maintain compliance with Chapter 73.11(c) of the regulations.

§115 - Hearing Procedures for Appeals and Variances

A. A party may request a hearing to appeal the decision and/or interpretation of a provision of this Ordinance by the Code Enforcement Officer or Authorized Agent or to seek a variance from the strict provisions of this Ordinance due to hardship. Hearing applications shall be on forms prescribed by the Township, and shall be accompanied by a fee set from time to time by resolution of the Board of Supervisors.

1. Hearing applications shall be reviewed by the Township Secretary for completeness. Incomplete applications shall be returned to the applicant without action.

2. Hearings shall be held in accordance with the Local Agency Law.

3. The initial hearing shall be scheduled within ten (10) business days of a perfected application.

4. The Board of Supervisors may conduct the hearing and shall have the right to appoint a Hearing Officer to conduct the hearing in lieu of conducting the hearing before the whole Board.

5. A written decision shall be issued within twenty (20) business days of closing the record.

B. Applications for an appeal shall not be accepted after thirty (30) days from a written decision by the Code Enforcement Officer or Authorized Agent. Appeals shall be granted only where an appellant establishes by clear and convincing evidence that the purpose contained in §102 of this Ordinance is met, and there is no adverse impact on the health, safety and welfare of the community.

C. Variances. Applications for a variance shall not be accepted after thirty (30) days from the date of required compliance. The applicant bear the burden of proof that a hardship exists which warrants the grant of a variance. The Board shall have the authority to impose conditions upon any grant of a variance when it determines that such conditions are necessary to effect the purposes contained in Section 102 of this Part 2B of Chapter 18. A claimed inability to pay shall not be the sole basis for determining a hardship.

1. Relief from replacement area testing required under Section 105 of this Part 2B, Chapter 18 may be granted if the applicant presents credible evidence of the following;

a. The lot was held in single and separate ownership on the effective date of the Ordinance by which this Chapter was enacted;

b. Lot size of at least one acre;

c. The results of a 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;

d. The inability of the applicant to acquire adjacent land, or the unsuitability of adjacent land which may provide a suitable replacement area.

2. The Board of Supervisors or Hearing Officer may condition relief on a more frequent pumping schedule, use of water conservation measures or other appropriate management techniques.

3. No lot shall be completely exempted from the requirements of this Ordinance regarding periodic tank pumping.

4. The required pump out frequency may be decreased to assure proper operation of the system based on loading rates greater than described in the permit for the system or for other good cause.

5. The required pump out frequency may be decreased where the owner can demonstrate the system can operate properly without the need for pump-out every three years, provided the applicant presents credible evidence supporting:

A. Reduced system loading;

B. Accumulation of sludge, scum or other residual materials to a level less than one-third (1/3) the liquid capacity of the tank since the last pump out;

C. For aerobic tanks, the manufacturer's recommendations indicating a greater interval is appropriate;

D. A site investigation report from a qualified SEO indicating no malfunction appears on the lot;

E. The system is pumped out consistently with a permit issued for the lot.

6. An applicant requesting a decreased tank pumping frequency shall bear the cost of any inspection undertaken by the Township to verify information.

7. In no case shall the cumulative pump-out interval be greater than five (5) years.

8. Any pumping frequency other than three (3) years shall automatically end when the factors predicated on the interval are no longer applicable.

9. No variance shall be available for any lot created after the effective date of the Ordinance by which this Chapter was enacted.

§116 - Violations - Penalties – Suspensions

A. It shall be illegal to commence construction of a structure which will be served by an on-lot system without first obtaining a permit for the system.

B. It shall be illegal to construct, alter or repair an on-lot system without first obtaining a permit for the installation or repair from the SEO.

C. It shall be illegal to fail to maintain the components of an on-lot system at the intervals specified in this ordinance, or those specified by the equipment manufacturer.

D. It shall be illegal for a pumper/hauler business or property owner to fail to file the necessary reports in a timely manner.

E. Any person who commits a summary offense and violates any of the provisions of this Ordinance 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 three hundred dollars (\$300) nor more than one thousand dollars (\$1,000), plus costs of prosecution.

F. Each day of a continuing violation shall be considered a new and separate violation of this Ordinance and shall be subject to separate penalty.

G. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the PA Sewage Facilities Act.

SECTION 5. Chapter 18 - Sewers and Sewage of the Upper Salford Township Code of Ordinances is amended to add a new Part 2C to be entitled Public Sanitary Sewer System Ordinance, and to provide as follows:

§101. Short Title. This Ordinance shall be known as and may be referred to as, the Upper Salford Township Public Sanitary Sewer System Ordinance.

§102. Purposes

A. To provide for the establishment of the Upper Salford Township Public Sanitary Sewer System, to establish regulations for the connection to the System by properties within the defined sewage service district(s) as established by the Upper Salford Township Sewage Facilities Plan.

B. To provide for regulations to requiring the abandonment of existing on-lot sewage disposal systems upon connection to the System.

C. To adopt standards and provide regulations prohibiting certain activities and discharges into the System, requiring permitting and training requirements for connection to the system, requiring the operation and maintenance of sanitary sewer facilities on lots, establishing sewer fees, regulating industrial and commercial wastes, and establishing penalties and enforcement provisions for violation of the ordinance.

§103. Terms and Definitions

For the purposes of this Part 2C of Chapter 18, the following terms shall have the definition prescribed to them by this Ordinance, as follows:

A. Board of Supervisors. The duly elected, or appointed, governing body of Upper Salford Township, Montgomery County, Pennsylvania.

B. Upper Salford Township Sanitary Sewer Service Area. That specific portion of Upper Salford Township which is identified in text, and by a specific map, within the Upper Salford Township Sewage Facilities Plan (Act 537 Plan), as finally adopted and enacted, designating those geographical areas within the Township where public sanitary sewer services are proposed to be located and will be installed by Upper Salford Township and where improved properties located within the geographic confines of said Area shall be mandated by this Ordinance to connect to the public sanitary sewer system.

C. Authorized Agent. Any person, persons, or firm which has been appointed by the Upper Salford Township Board of Supervisors to, inspect the construction and installation of any and all parts of the public sanitary sewer system including individual sanitary sewage grinder pumps, pump stations, and low-pressure sanitary sewer laterals, to enforce the terms of this Ordinance and/or to represent the interests of the Upper Salford Township Board of Supervisors before and judicial, or quasi-judicial body of the Commonwealth of Pennsylvania.

D. Board. Shall mean the Upper Salford Township Board of Supervisors.

E. Individual Sanitary Sewage Grinder Pumps. The grinder pumps, pump tanks, floats, switches, and controls specified for use in the public sanitary sewer system by the Upper Salford Township Board of Supervisors.

F. Low-pressure sanitary sewer laterals. The specified piping specified for use in the public sanitary sewer system to connect individual improved properties to the public sanitary sewer system.

G. Official Upper Salford Township Sewage Facilities Plan. The written plan, required by PA Act 537 The Pennsylvania Sewage Facilities Act, developed and approved by the Upper Salford Township Board of Supervisors whereby the various methods of properly treating and disposing of the sanitary sewage generated by residences, businesses, commercial, industrial, institutional, and recreational facilities located in Upper Salford Township are described, evaluated, and ultimately chosen for use in the Township, by the Board of Supervisors. It is this plan which identified and described the Upper Salford Sewer Service Area and the need for a public sanitary sewer system to provide sanitary sewage facilities within the Township.

H. Public Sanitary Sewer System. Includes the sanitary sewer lines installed by Upper Salford Township for the collection and conveyance of sanitary sewage generated by the properties located within Upper Salford Township, the publicly owned and operated waste water treatment plant (WWTP) to treat the sanitary sewage transported to said plant.

I. Improved Property. Any lot improved with a residential dwelling of any kind, including, without limitation, single family dwellings, twin dwellings, multiple family dwellings, apartments, mobile or modular homes or dwellings and any lot improved for recreational, institutional, commercial or industrial purposes on which is located any sanitary sewage facilities.

J. EDU - Equivalent Dwelling Unit. For dwellings served or proposed to be served by public sewer service, this shall be equal to 262.5 gallons per day.

§104. Notice to Connect; Exemptions; Applications to Connect

A. Thirty (30) days prior to the projected date of completion of the public sanitary sewer system, the Upper Salford Township Board of Supervisors shall send a letter by certified mail addressed to the last known address of any Record Owner (as determined from the records maintained by the Montgomery County Board of Assessment Appeals) any and all improved property located within the boundaries of the Upper Salford Sanitary Sewer Service Area, as defined in the Upper Salford Township Sewage Facilities Plan providing notice that they are required to make connection to the Public Sanitary Sewer System pursuant to this article within ninety (90) days from the date such notice is given. The Township shall publish a notice substantially consistent with the notice to be sent by mail to be published once in a newspaper of general circulation in the Township.

B. If any person, individual, business, partnership, corporation or other organization or entity required to make a connection of their property to the public sanitary sewer system fails

to do so within the ninety (90) day time period stated above then, the Township shall have the authority to enter said property and to make the required connection. In any such case, the Township shall, upon completion of connection, send the Record Owner, or owners, of any such property an itemized bill of the cost of the construction of such connection. The owner shall be legally responsible for payment of the connection cost. The Township shall also have the authority to file a municipal lien in the amount of the cost of construction together with such other costs as the Township shall be authorized to recover by law, such lien to be filed within three (3) months of the date of the completion of the connection.

C. In the event that the owner of improved property located within the boundaries of the Upper Salford Sanitary Sewer Service Area, as defined in the Upper Salford Township Sewage Facilities Plan shall desire not to connect to the Public Sanitary Sewer System, the property owner may apply for an exemption to the Board of Supervisors. No exemption will be considered or approved by the Board of Supervisors unless each of the three following conditions is established by the property owner:

1. The existing individual on-lot sewage disposal system was constructed pursuant to a validly issued permit from the Montgomery County Health Department. The property owner shall be required to provide a copy of the permit.

2. The property owner shall submit a certification dated within thirty (30) days of the date of submission of the exemption request and signed by a Sewage Enforcement Officer (as defined in Part 2B of this Chapter) that the existing system is in good working condition and is operating in accordance with all applicable clean water standards.

3. The minimum lot size for exemption shall be no less than 160,000 sq.ft. in area.

4. The property owner shall be obligated to present soil testing results sufficient to establish that there is an acceptable replacement area on the tract on which can be located a replacement sewage effluent absorption area which will meet siting requirements as established by Pa. DEP.

D. Properties serviced by or on which the replacement area is approved for a drip irrigation, IRSIS, small flow stream discharge, AB, evapotranspiration system or any other system identified as an alternate or experimental system by the Pa. DEP shall not be eligible for an exemption.

E. The approval of an exemption shall be within the sole discretion of the Board of Supervisors. In considering an application, the Board may consult such experts as it deems necessary to determine the appropriateness of any application.

F. The Board of Supervisors, in approving any exemption under this section, may impose conditions on the grant of the exemption, including, without limitation, an expiration of the exemption period, a limitation or prohibition on the subdivision of the property or the use of the property. No exemption will be approved without the property owner executing an Operation and Maintenance Agreement relating to the existing individual on-lot sewage disposal system.

G. Any exemption granted shall be revocable by the Board of Supervisors at any time and for any reason as determined by the Board of Supervisors. Upon revocation, the property owner shall be required to connect to the Public Sanitary Sewer System consistent with the requirements of this Part 2C of Chapter 18 within ninety (90) days of the date of revocation, and to comply with all other requirements of this Part 2C of Chapter 18 relating to decommissioning the individual on-lot sewage system.

H. Any person, individual, business, partnership, corporation or other entity owning improved property not located within the boundaries of the Upper Salford Sanitary Sewer Service Area, as defined in the Upper Salford Township Sewage Facilities Plan, but which is located within one hundred fifty (150) feet of any publicly owned sanitary sewage line (excluding any high pressure force main) may apply to the Board of Supervisors for permission to connect to the Public Sanitary Sewer System. No application to connect will be approved unless each of the four following conditions is established by the property owner:

1. The existing individual on-lot sewage disposal system has been determined by the Montgomery County Health Department to be failing.
2. The lot area of the subject property is less than 80,000 sq.ft. in area.
3. The property owner shall be obligated to present soil testing results sufficient to establish that there is no acceptable replacement area on the tract on which can be located a replacement sewage effluent absorption area which will meet siting requirements as established by Pa. DEP, whether for an in ground system, elevated sand mount, drip irrigation, IRSIS, small flow stream discharge, AB system or any other system identified as an alternate or experimental system by the Pa. DEP shall not be eligible for an exemption, excluding only an evapotranspiration system.

I. The approval of an application to connect shall be within the sole discretion of the Board of Supervisors. In considering an application, the Board may consult such experts as it deems necessary to determine the appropriateness of any application.

J. The Board of Supervisors, in approving any exemption under this section, may impose conditions on the grant of the exemption, including, without limitation, an expiration of the exemption period, a limitation or prohibition on the subdivision of the property or the use of the property.

§105. Installation of Sanitary Sewer Facilities and Grinder Pumps

The Upper Salford Township Board of Supervisors is authorized and empowered to adopt such rules and regulations concerning the public sanitary sewage system which the Board may deem necessary from time to time to affect the purposes of this Ordinance, including the establishment of a mandatory training program completion of which is to be required of all individuals or contractors who undertakes the activities regulated under this Section. The Board is authorized and empowered to take such actions as are necessary to assure proper operation and maintenance of any and all sanitary sewage facilities within the Township's boundaries, including, without limitation, sanitary sewage grinder pumps and any associated low-pressure sanitary sewer lines, which may include operation and maintenance agreements.

A. Any person, individual, business, partnership, corporation or other entity owning improved property located anywhere within the boundaries of the Upper Salford Sanitary Sewer Service Area, as defined in the Upper Salford Township Sewage Facilities Plan shall at their own expense, install sanitary sewage grinder pumps, and connect them to the public sanitary sewer lines within ninety (90) days after the publication of the notice of completion of the public sewer system as specified in Section 104 of this Part 2C of Chapter 18.

B. Any person, individual, business, partnership, corporation or other entity owning unimproved property located within the boundaries of the Upper Salford Sanitary Sewer Service Area, as defined in the Upper Salford Township Sewage Facilities Plan on which an occupied building within which sanitary sewage facilities are provided, shall, at the time of said buildings erection and at their own expense, install the required sanitary sewage grinder pump and the associated low pressure sanitary sewage lateral connection to the public sanitary sewer system.

C. The individual low-pressure sanitary sewer laterals shall be connected to the public sanitary sewer system at the place designated by the Board.

D. All sanitary sewage grinder pumps and low-pressure sanitary sewer laterals shall be connected to the public sanitary sewage system in full compliance with the Uniform Construction Code as in effect as of the date of the connection.

E. All sanitary sewage grinder pumps, pump tanks, floats, switches, and controls and low pressure sanitary sewer laterals utilized in any connection shall comply with the standards established by the Township.

F. The owner of any improved property connected to the public sanitary sewer system shall be responsible for the proper and required use, operation, maintenance, service, repair or replacement of any, and all, sanitary sewage grinder pumps, pump tanks and/or sanitary sewage laterals or any of their component parts.

G. Unless specifically permitted by the Board of Supervisors upon certification by the Township Sanitary Engineer that no other means of connection is feasible to effect connection, low-pressure sanitary sewage laterals shall not be permitted to be shared between any separately deeded properties. Where permitted, the record owner, or owners of said separately deeded properties shall be required to execute a Declaration of Easements, Covenants and Restrictions as prepared and recorded by the Township Solicitor setting forth the duties, rights and obligations of each benefitted property with respect to the installation, use, operation, maintenance, service, repair and replacement of the shared low-pressure sanitary sewage lateral.

§106. Abandonment of Existing Individual On-lot Sewage Facilities

A Except as otherwise provided in this Chapter, each improved property located within the confines of the Upper Salford Sewer Service Area shall be connected independently and separately to the public sanitary sewer system as provided in this Chapter. Upon final inspection of the connection of an improved property to the public sanitary sewer system, the existing individual on-lot sewage disposal system, or sewage retaining tank; which had previously served each such improved property shall be properly abandoned and decommissioned using one (1) of the following methods:

1. The existing septic tank(s) or holding tank(s) shall be pumped of all contents and then, said tank(s) shall be excavated and removed from the improved property and the excavated area properly backfilled with approved structural fill materials and the ground surface restored to its original condition.

2. The existing septic tank or holding tank shall be pumped of all contents and the tank shall be collapsed in place, if possible. Any resultant voids shall be properly backfilled with approved structural fill materials and the ground surface shall be restored to its original condition.

3. The existing septic tank or holding tank shall be pumped of all contents and then the tank shall be filled with a suitable inert material such as concrete, cementitious grout, clean stone, sand, or a mixture of all of the above. The lids of any such "filled tanks" shall be permanently affixed to said tank(s) so that, said lid(s) cannot be removed in the future.

4. Where specifically approved by the Board of Supervisors and upon the recommendation of the Township Engineer, the existing septic tank or holding tank shall be pumped of all contents, properly cleaned in accordance with the standards established by the Board and converted to a stormwater control array for use in providing ground water recharge by the connection of roof leaders to the tank. Where approved, the tank shall be subject inspection annually to confirm proper connection and segregation of waste water from stormwater. Under no circumstances shall a converted septic tank be connected to any source of sewage.

B. Any Record Owner of an improved property who fails to properly abandon and decommission their existing on-lot sewage disposal system or sewage retaining tank as

prescribed above in this Chapter shall be subject to prosecution pursuant to the procedures described in this Chapter.

§107. Prohibited Acts

A. No person shall cause; permit, or allow any sanitary sewer pipes, joints, connections or other sanitary sewer system facilities, which are connected directly or indirectly to the public sanitary sewer system, to be or to remain in a defective or deteriorated condition such that “excessive infiltration” and/or “exfiltration” is caused to enter or exit the sanitary sewer system. For purposes of this chapter, “excessive infiltration” shall mean a pattern of occurrences where measured flows exceed expected flows by more than 250% during periods of rain events or during periods of saturated ground conditions. Furthermore, for purposes of this Ordinance “exfiltration” shall mean any release of sewage from any portion of the public sanitary sewer system into the ground, groundwater, aquifer and/or to the surface of the ground.

B. No person shall construct or install a sanitary sewer line, lateral, connection or any related facility without complying with the specifications and rules of the Board and regulations and codes of the Township, as may be revised from time to time, by the Board.

C. No person shall permit or allow a pipe, fixture, pump, device or facility connected to the public sanitary sewer system to remain and continue to operate in a condition deemed to be in violation of this Ordinance, after such person has received written notice of the violations and said person has been requested to correct the violation.

D. No person shall sell, convey or transfer title to real estate and no person shall buy, acquire or accept title to real estate connected to the public sanitary sewer system without permitting an inspection of the premises by the authorized agent of the Township. The seller and buyer are responsible for notifying the Township of a pending sale and for making arrangements for the inspection described above.

E. No cesspool, holding tank, septic tank or similar receptacle shall be connected to the public sanitary sewer system at any time.

F. It shall be unlawful for any person owning or occupying a property, on which there is a building required to be connected to a public sanitary sewer system governed under this Ordinance, to use or construct any privy, privy vault, cesspool, septic tank or other device for on-lot disposal of sanitary sewage. Any such privy, privy vault, cesspool, septic tank and other device constructed or used in violation hereof is hereby declared to be a public nuisance which shall be promptly removed at the expense of the property owner.

G. No person shall sell, convey, or transfer title to real estate and no person shall buy, acquire or accept title to real estate during the mandatory connection period unless said property has been connected to the public sanitary sewer system prior to sale, or unless the installation is mandated to be installed prior to the expiration of the ninety (90) days from the

date of notice via a bonafide, legally executed Agreement of Sale for the property in question, and with the funds to pay for all costs associated with the connection of said property to the public sanitary sewer system being properly placed in escrow.

§108. Permit Applications

A. No person shall uncover, install, connect, alter, disturb, or abandon any sanitary sewer lateral or sanitary sewer grinder pump without meeting the following requirements:

1. Record Owner shall have notified the Township Sanitary Engineer of their intention and desire to connect to the public sanitary sewer system.
2. Record Owner shall have applied for and obtained a permit issued by the Township.
3. Record Owner shall have paid all of the required fees imposed by the Township for said connection to the public sanitary sewer system.
4. Record Owner shall have lawfully contracted with contractor who has completed the training as required under Section 105 of this Part 2C of Chapter 18.
5. Record Owner shall have given the Township Sanitary Engineer notice at least forty-eight (48) hours prior to connecting to the public sanitary sewer system in order that the Township Sanitary Engineer or his designee can observe the installation and connection of the subject property to the public sanitary sewer system.

B. The sewer connection permit shall be valid for no more than a one (1) year period from the date of its issuance, at which time a new permit must be obtained unless a written request for extension of said permit is submitted to the Township in writing and an extension is granted by the Township Sanitary Engineer. If an extension is granted, an additional six (6) months will be added to the initial permit expiration date. No more than one extension shall be granted.

§109. Installation Costs and Expenses

All of the costs associated with the installation of sanitary sewage grinder pumps and low pressure lateral connections of any property to the public sanitary sewer system shall be the sole responsibility of the Record Owner.

§110. Persons Permitted to Perform Work

Only contractors who have completed the training program mandated under Section 105 of this Part 2C of Chapter 18 shall be authorized and permitted to do work on or near any grinder pumps, grinder pump stations, low-pressure sewer laterals, sewer pipes, interceptors, or sewer

mains situate within Upper Salford Township, including but not limited to the making of sewer connections and repairs. All work related to sewer connections and repairs shall be done in the presence of the Township Sanitary Engineer or his designee. No sewer connections or repairs shall be done unless the Township Sanitary Engineer has been given reasonable notice thereof and is present at the time of the connection or repair.

§111. Operation and Maintenance

The Property Owner shall be solely responsible for the maintenance and repair of any and all grinder pumps, grinder pump stations, and low-pressure sanitary sewer laterals connecting their home or any structure to the public sewage system.

A. Access. The Board and any duly appointed and authorized agent of the Board shall have the right of access at reasonable times to any part, of any lot connected to public sanitary sewer system as shall be required for purposes of inspection, measurement, sampling, and testing for performance of other functions relating to service rendered by the Board through the public sanitary sewer system. Inspections shall be done after prior notice has been given to the property owner whenever practical, except in the ease of any sort of emergency situations.

B. Scope of Inspection. Inspections permitted under this chapter shall include reasonable inspection of any plumbing and drain connections within the buildings and structures, and sewer drain pipes and connections outside the structures and buildings. The inspection shall include reasonable work and use of reasonable equipment to uncover and excavate drain and sewer pipes and connections outside of buildings and structures; videotaping of pipes and drains; and dye or smoke testing of such pipes and drains.

C. Search Warrants. If, after proper request, entry or access is refused, the authorized agent may compel such access by application to a court of competent jurisdiction for a search warrant in compliance with the applicable provisions of the Pennsylvania Judicial Code and the Pennsylvania Rules of Criminal Procedure.

D. Prohibited Discharges to Sewer. The sewer rents imposed by this Ordinance shall cover the discharge into the public sanitary sewer system of domestic strength sanitary sewage only, and all persons are hereby prohibited from discharging into the public sanitary sewer system any wastes, substances or other matter other than domestic strength sanitary sewage, except as may be permitted in accordance with this Ordinance. Without limiting the generality of the foregoing, all persons are specifically prohibited from discharging into the public sanitary sewer system any stormwater or roof or subsurface drainage from any, and all stormwater inlets, sump pumps, interior or exterior foundation drains, cellar, yard and area drains, cleanouts, roof leaders or any other direct sources of any stormwater and/or groundwater inclusive of any, and all, types of sanitary sewage having any one (1) of the following characteristics:

1. Having a temperature higher than 104° F. (40° C) or lower than 32° F (0°C);

2. Containing more than 120 parts per million by weight of tar, oil and/or grease.
3. Containing any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids or gases, and/or waste streams with a closed cup flashpoint of less than 140° F. or 60° C.
4. Containing any garbage, which has not been ground by a household-type (or other) suitable garbage grinder.
5. Containing any ashes, cinders, sand, mud, straw, metal or wood shavings~ metal, glass, rags, feathers, tar, plastics, wood, animal manure, cotton, wool or residues from refining or processing of fuel, lubricating oil or glass grinding or polishing wastes, or other fibers or any other solid or viscous substances capable of causing interference with the proper operation of the public sanitary sewage system.
6. Having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property, which will cause damage or hazards to structures, equipment or operating personnel of the public sanitary sewage system.
7. Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage or sludge treatment process, constitute hazards to humans or create any hazard in operation of the sanitary sewage system. Toxic or poisonous substances shall include, but not by way of limitation, wastes containing cyanide, chromium and/or copper ions.
8. Containing noxious or malodorous gases or substances capable of creating a public nuisance.
9. Any waste containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
10. Any solid or viscous substances which may cause obstruction to the flow in the public sanitary sewage collection and conveyance system and/or interference with the operation of the wastewater treatment plant (WWTP) such as, but not limited to: grease, garbage with particles greater than 0.5 inches in any dimension resulting from preparation, cooking and/or dispensing of food and/or from handling, storage and sale of produce.
11. Any waste which results in the presence of toxic gases, vapors, or fumes within any part or portion of the public sanitary sewage system in a quantity that may cause acute worker health and safety problems, or create any hazards in waters which shall receive treated effluent from the wastewater system.
12. Any oxygen-demanding pollutant (BOD, ammonia, etc.) released at a flow rate and/or pollutant concentration which will cause interference with the operations. of any part, or portion, of the public sanitary sewage system.

E. All sanitary sewage grinder pumps and low-pressure sewer lines (and the installation, use, operation, maintenance, serviced repair and replacement thereof) shall comply with the rules and regulations of Upper Salford Township, the Commonwealth of Pennsylvania, and the USEPA.

F. Each Record Owner of any property served by a sanitary sewage grinder pump shall have full responsibility for using the pump consistent with the manufacturer's instructions and shall avoid introducing into the public sanitary sewer system materials that may damage the impellers on the pump, including, without limitation, items designated as "biodegradable in septic tanks".

G. Each Record Owner of any property served by a sanitary sewage grinder pump shall close the required valve(s) and cease operations during any period when said grinder pump and/or low-pressure sanitary sewer lateral serving their property is inoperable for more than twenty-four (24) hours. In the event that the property owner fails in this duty the Township shall have the right to close the valve(s) of said grinder pump's discharge line. This requirement shall not apply to periods of inactivity due to holiday, vacation or other voluntary absences from the property.

§112. Sewer Fees

A. Tap-in Fees. The Upper Salford Township Board of Supervisors hereby imposes a tap-in-fee for each connection made to the public sanitary sewer system. This fee, as established from time to time by Resolution, shall be paid prior to any connection of any existing developed lot or prior to any new Subdivision and Land Development Approval for any activity which shall generate sanitary sewage discharges.

B. Sewer Rents. The Upper Salford Township Board of Supervisors hereby imposes upon the owners of each property served by the public sanitary sewer system an annual rent to be imposed on either a monthly or quarterly basis, which amount shall be set and adjusted from time to time by Resolution of the Board.

C. Liens of Sewer Rentals. Sewer charges established by Resolution by the Upper Salford Township Board of Supervisors shall automatically constitute a lien on the property connected and served by public sanitary sewer system and; any sewer rental which is delinquent more than ninety (90) days shall be filed as a lien against the Record Owner of such property. This lien will be filed with the Prothonotary of Montgomery County, Pennsylvania, and shall be collected in the manner provided by law for the collection of municipal claims.

D. Sewer Stand-by Fee. The Upper Salford Township Board of Supervisors hereby imposes a sewer stand-by fee, established by Resolution, for any vacant lot within the sewer district. This fee will be in effect within thirty (30) days from the date that the sewer system was completed. The Township will also impose this sewer stand by fee for any occupied property

within the sewer district which has not connected to the sewer within the ninety (90) day mandatory connection period. This fee will be in addition to any fines, penalties, and legal fees assessed by the Township.

§113. Industrial, Institutional and Commercial Waste.

A. Industrial, institutional and commercial wastes shall only be discharged into the public sanitary sewer system after an Industrial and/or Commercial Waste Discharge Permit has been issued by the Township.

1. Application for any such industrial, institutional or commercial waste discharge permit shall be accompanied by either an “Industrial Wastes Questionnaire,” an “Institutional Wastes Questionnaire” or a “Commercial Wastes Questionnaire” to be furnished by the Township and such information relating to the nature or character of the waste proposed to be discharged, including estimated quantity of flow and the characteristics and constituents of any flow, including, without limitation, a detailed engineering report in respect thereof prepared by a registered professional sanitary engineer. The cost of obtaining all such data shall be borne by the Applicant desiring to have an Industrial, Institutional or Commercial Waste Discharge Permit issued by the Township. Any permit issued under this section may be conditioned upon compliance with such reasonable restrictions as the Township may impose, including, without limitation, requirements for the establishment of facilities for the pretreatment and pre-screening of wastes, and construction of flow-equalization facilities to assure a uniform rate of discharge and the construction of suitable control manholes to facilitate the observation, sampling and measurement of wastes and the discharge thereof.

2. Any control manhole when required by the Township shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by the Township prior to commencement of construction.

3. Grease, oil and sand interceptors shall be provided by the Applicant when they are required by the Township for the proper handling of liquid wastes containing grease or any flammable wastes, sand, grit, or other harmful ingredients. All such interceptors shall be of a type and capacity approved by the Township and shall be located as to be readily and easily accessible for cleaning and inspection. Where any such required facilities or interceptors are constructed, they shall be maintained continuously, in satisfactory and effective operation, by the Applicant, at their sole expense.

4. No permit issued by the Township for the discharge of industrial, institutional or commercial wastes under this section shall be deemed to give any right to the permittee to continue said discharges in violation of this Ordinance or state or federal laws and regulations, and any such permit may be revoked by the Township, at any time.

5. Any improved property discharging industrial, institutional or commercial wastes into the wastewater system, and contemplating a change in the method of operation which

will alter the characteristics and/or volumes of wastes being discharged into the wastewater system shall notify Upper Salford Township, in writing, at least thirty (30) days prior to consummation of such change.

6. The Township reserves the right to require improved properties having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the wastewater system.

7. The Township reserves the right to impose financial surcharges by way of Resolution in connection with any industrial or commercial wastes discharged in the wastewater system.

B. Every three (3) months a report on the cleaning of those grinder pump(s), laterals, and/or interceptors which are receiving any such legally permitted industrial or commercial wastes shall be furnished to the Township. A fine of not less than three hundred dollars (\$300.00) per day shall be imposed for each day the report is late.

C. The Township reserves the right to inspect the condition of any, and all, components named above at any reasonable time. Noncompliance with this section may result in an enforcement action by Upper Salford Township.

D. The Township may promulgate prohibitions by Resolution against the introduction of specific types or strengths of industrial, institutional or commercial wastes or other substances (in addition to those set forth in this Part 2C of Chapter 18) which are determined to be harmful to the sanitary sewer system or which Upper Salford Township has prohibited from discharge to its treatment and disposal facilities to which the collection system is to be connected. Such prohibitions may be modified, from time to time, by Resolution of the Board, and any permit issued pursuant to this section shall, by virtue thereof, be subject to such prohibitions as the same are in existence from time to time. Any person questioning the reasonableness of any such prohibitions as applied to property owned or used by such person shall have the right to a hearing before the Upper Salford Township Board of Supervisors, within a reasonable time, after requesting the same (but such request shall not operate as a stay of such prohibitions), except in cases where such prohibitions have been established or specifically approved by ordinance of the Township or law, regulation or rule of the state or federal government.

E. Upon the issuance of any permit for the discharge of industrial, institutional or commercial, waste in accordance with this Part 2C of Chapter 18, the Township shall establish the amount of sewer rent to be paid for the use permitted thereunder.

F. Any, and all, legal fees, engineering fees, advertising fees or other such fees associated with the review of any permit request or an Appeal before the Upper Salford Township Board of Supervisors shall be paid to the Township by the Applicant, regardless of whether or not a permit is ultimately issued or denied, or regardless of whether or not an Appeal is upheld or denied.

§114. Penalties and Enforcement

A. Violations and penalties regarding sewer connections.

1. Any person violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and prescribing a reasonable time limit for the correction thereof. Any person continuing such a violation beyond such time limit shall be subject to fine in an amount not less than six hundred (\$600) plus costs of prosecution, including reasonable attorney's fees, incurred by the Township in the enforcement of this Ordinance, for each offense. Each separate building, dwelling, or property involved with any such violation and each ninety (90) day period during which a violation continues shall be deemed a separate offense. Furthermore, the appropriate officers, agents, or legal counsel of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

2. The Code Enforcement Officer, or other officer or authorized agent of the Township authorized to do so by the Board of Supervisors, shall determine in each instance whether a violation has occurred. Upon determining that a violation has occurred, the officer shall impose a civil penalty in accordance with the amount specified in this Part 2C of Chapter 18 or by Resolution upon the violator. Notice of a violation shall be served upon the violator by registered or certified mail. In the event the registered or certified mail is returned unclaimed, such notice shall then be served by first class mail.

3. If any installment of any sewer rent is not paid within thirty (30) days after the date of the bill, a penalty of 10% shall be added thereto. Any unpaid sewer rent, together with penalties thereon to the extent permitted by law, and reasonable attorneys fees shall automatically constitute a lien on the property served, which lien may be collected by civil action by distress or by a lien filed in the nature of a municipal claim as provided by law. In addition, the Township shall have the right but not the duty or obligation to close off the connection to the public sanitary sewer system of any property with respect to which the sewer rent imposed hereby is unpaid until all such rents, together with penalties as aforesaid, are paid in full.

4. The written notice of violation shall include the following information:

(a) Identity of the real estate involved and description of the building, structure or portion of premises in violation, its location and its record owners.

(b) A statement of the specific conditions which cause the property building or structure to be in violation of the Ordinance and references to the specific sections of the Ordinance, which are being violated.

(c) A general statement of the repairs or remedial action required

to bring the property, building or structure into compliance.

(d) An order directing and requiring the owner or other responsible person to disconnect all private infiltration or inflow waters from the public sanitary sewer system or to take other action as required to correct the violation, The order shall state a deadline for compliance, but such deadline shall, in no event, be more than three (3) months after issuance of the order.

(e) A statement that, legal sanctions and financial penalties may be imposed due to a violation of this Ordinance or failure to correct the violation.

(f) Persons to contact concerning remedial action or other concerns.

(g) A statement indicating that the violator has the right to appeal the issuance of any such notice of violation to the Upper Salford Township Board of Supervisors or any other body having jurisdiction over such matters, as allowed by the laws of the Commonwealth of Pennsylvania.

5. Method of service. Notices and orders shall be deemed properly served if a copy thereof is delivered to the owners and persons responsible personally; or sent by certified or registered mail addressed to the owners and persons responsible at the last known address with return receipt requested. If the certified or registered notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the property or structure affected by such notice, and the notice shall be mailed by regular mail. A record of the means of serving the notice shall be maintained by the authorized agent of the Township.

C. Enforcement Procedures for Operation and Maintenance of Public Sewer System

1. If, after inspections, it is determined that there is a source of unlawful infiltration or inflow on the premises inspected or any other violation of this Ordinance, or other applicable regulations or codes of the Township, the authorized agent shall provide notice to the owner and responsible persons as required by this Ordinance that a violation has been found and that the premises, structure or equipment must be repaired, and the condition which is in violation must be corrected and/or must be removed as necessary and appropriate.

2. The owner or responsible persons shall comply with the notice/order by having the necessary remedial work done by a licensed plumbing contractor.

3. All work to correct a violation shall be subject to inspection by the Township's designated representative, shall be done in a workmanlike manner and shall be performed in compliance with this Ordinance and any other adopted codes and regulations of the Township.

4. After completion of the corrective work, the Township shall reinspect the

premises to verify compliance with the notice and also to confirm that there are no private infiltration or inflow sources on the property.

5. The Township's authorized agent shall make a report of all inspections made and of all premises, buildings or structures and conditions found to be in violation, This report shall include among other things, the dates and times of inspections, persons in attendance, descriptions of premises inspected, description of conditions warranting action, reference to photos or videotapes, and any other significant details or facts. The report shall also include a description of the work done to correct the violations, by whom said work was performed, and the date the corrective work was completed and inspected.

D. Enforcement Penalties for Industrial, Institutional or Commercial Waste; Other Wastes

1. If any person or persons shall maintain a structure, equipment or premises in violation of this Ordinance, fail to comply with notices and orders lawfully issued as permitted and authorized by this Ordinance, or in any other manner violate the provisions of this Ordinance, they shall be subject to the following penalties:

(a) Any discharge of wastes other than industrial, institutional or commercial wastes into the sanitary sewer system in violation of the provisions of this Ordinance shall be deemed a violation of this Ordinance and shall be punishable by a fine of not less than six hundred dollars (\$600) plus costs of prosecution for each day upon which such discharge takes place or, in default of payment thereof, by imprisonment of not less than thirty (30) days.

(b) Any discharge into the sanitary sewer system in violation of the provisions of this Ordinance pertaining to industrial, institutional or commercial waste, shall be deemed a violation of this Ordinance and shall be punishable by a fine not less than twenty five thousand dollars (\$25,000) plus costs of prosecution for each day upon which such discharge takes place or, in default of payment thereof, by imprisonment not less than ninety (90) days.

E. Enforcement Remedies for Industrial, Institutional or Commercial Waste; Other Wastes

1. If any person or persons shall maintain a structure, equipment or premises in violation of this Ordinance, fail to comply with notices and orders lawfully issued under this Ordinance, or in any other manner violate the provisions of this Ordinance, they shall be subject to the following remedial action by the Township:

(a) If the owners or responsible persons fail to comply with any notice or order issued by the authorized agent or other body having jurisdiction of such matters to correct or remedy any violation of this Ordinance

as required by the notice and order within the time provided, the Township shall have the right, but not the duty or obligation to cause such condition to be repaired and remedied, as the circumstances may warrant, and to collect the costs of such remedial action together with attorneys fees and other costs and penalties from the owners or responsible persons

(b) The Township may collect these costs and charges by a suit at law against the owners and responsible persons or the Township may file a municipal lien against the lands on which the subject premises or structure were located or both.

(c) In the event that, after notice and opportunity to correct the unlawful condition, violations continue unabated without any remedial action, or are determined by the Township to constitute a public nuisance, or in the event it is determined by the Township that the violative condition creates an immediate and substantial danger to the public, the Township may institute an action in equity or at law to abate the nuisance, to obtain an order compelling compliance with the Ordinance and to obtain such other relief as is appropriate, including but not limited to an order:

I. To restrain, correct or remove the violation or refrain from any further work.

ii. To require the removal of work in violation and to require that remedial work be performed to correct the violation;

iii. To prevent the occupancy of the structure that is not in compliance with the provisions of this chapter, and to allow disconnection of sewer service until the conditions are corrected.

iv. To recover costs incurred in conjunction with actions taken by the Township to secure compliance with the requirements of this Ordinance including recovery of costs of remedial action and attorney fees.

(d) The Township may take any appropriate action to recover any penalties or costs imposed, including instituting suit for collections, executing on any judgment imposed, or filing of a municipal lien for any amounts due. This remedy shall include the Township having the right, but not the duty or obligation, to shut off any connection to the public sanitary sewer system to such premises, until such charges, costs and penalties have been paid.

(e) The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually

exclusive and may be employed simultaneously or consecutively, at the discretion of the Upper Salford Township Board of Supervisors.

F. Amendments. The Township reserves the right to amend or modify this Ordinance and/or any section or any parts thereof at any time or from time to time.

G. Disclaimer of liability. This Ordinance shall not be construed or interpreted as imposing upon Upper Salford Township or its officials or employees any liability or responsibility for damages to any property; or any representation or warranty that any sanitary sewer system, installation or portion thereof that is constructed or repaired under orders and inspections required by this Ordinance will function properly. In addition, neither Aisace Township or any of its officials and employees charged with the enforcement of this Ordinance, if acting in good faith and without malice in the discharge of their duties, shall be personally liable for any damage that may occur to persons or property as a result of performing or not performing any act required by this Ordinance.

H. Relation to other codes. It is the intent of the Township that this Ordinance shall not repeal any building code or sewage management ordinance lawfully adopted by the Township. Whenever the provisions of this Ordinance, or rules and regulations of the Township being enforced through this Ordinance, are in conflict with or at variance with any lawfully adopted building code or sewage management Ordinance adopted by the Township, the more restrictive requirements shall govern.

SECTION 6. Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of the Ordinance.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force from and after its approval as provided by the law.

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