

TOWNSHIP OF UPPER SALFORD, MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE 2011-1

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, OPERATION 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;

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 within 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

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 Individual On-Lot 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 inventory, regulation, 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 the installation 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 Board of Supervisors 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.

Gray Water - Domestically generated liquid wastes including kitchen and laundry wastes and water softener backwash.

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. For the purposes of this Article, pumper/hauler business which shall operate within Upper Salford Township shall be required to register with the Township of Upper Salford.

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. For purposes of this Article, all pumper/hauler truck operators shall be employed with a business registered with the Township.

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 micro-organisms to produce a stable, humus-like material.

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

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

Sewage - Any substance that contains any waste products, or excrement, or other discharge from the bodies of human beings or animals; a substance harmful to the public health, animal or aquatic life, or the use of water for domestic water supply or for recreation, or a substance which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law (35 P.S. 691.1 - 691.1001).

Sewage Enforcement Officer (SEO) - Any person certified by the State Board for the Certification of Sewage Enforcement Officers. As applicable to the permitting of on-lot sewage disposal systems, such definition shall include any person certified as above and 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.

Sewage Management Program - A comprehensive set of legal and administrative requirements encompassing the requirements of this Article and other administrative requirements adopted by the Township to effectively enforce and administer this Article.

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.

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. Applicability; Permits Required

A. The provisions of this Article shall apply to all existing on-lot sewage disposal systems, as well as all new systems proposed and permitted within the Township.

B. 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.

C. Building or zoning permits will not be issued for any building, or improvement to real property to be serviced by an on-lot system, without submission of a permit for the installation of the on-lot system from the SEO. Additionally, a registration form shall be filed with the Township for all new systems prior to the issuance of a building or zoning permit for the use of any structure being served by the on-lot sanitary sewage disposal system.

D. 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.

E. 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.

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

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 primary and replacement 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 primary or replacement absorption area or any setback areas required for the issuance of a sewage facility permit.
2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the primary or replacement absorption area or any required setback area.
3. During any construction or other activities, the primary or replacement 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 primary or replacement absorption area shall be limited to shallow-rooted plant matter.

E. A landowner wishing to alter the use of the primary or replacement 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.

§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 classified as alternate or experimental by the DEP alternate or experimental technical guidance manual shall be included within this classification. No system which is not an in-ground system or an elevated sand mound 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 maintenance and pumping, and divert surface water and downspouts away from the absorption area and system components.

C. All gray water shall be required to be discharged into the on-lot sanitary sewage disposal system. Any property with a gray water discharge to the ground surface shall correct such discharges and route the gray water into the treatment tank (i.e. septic tank, cesspool, etc.) All re-routing and connections of gray water discharge to the on-lot sanitary sewage disposal system shall require a permit from the MCHD.

D. In the event a landowner or authorized 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.

E. 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 110 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.

F. 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.

G. 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.

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

I. 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 including a determination regarding the presence of baffles and their condition, as well as the physical condition of the treatment tank and the presence and condition of observation port(s).

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 pumper/hauler business shall provide a pumping receipt to the landowner.

J. 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 111 of this Part 2B of Chapter 18.

K 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 - Registration

All pumper/hauler businesses shall be registered with Upper Salford Township and no pumper/hauler business shall conduct business or perform services within Upper Salford Township without being first registered with the Township. A pumper/hauler business registering with the Township shall be obligated to provide a copy of its current, valid license from the Pa.DEF, a list of treatment facilities to which waste is transported for treatment and a Certificate of Insurance.

§110 - 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 and in accordance with the schedule of compliance as adopted by the Township. The schedule for pumping shall be in accordance with that established by the Township. The map by which the Township is divided into compliance areas is incorporated herein as Appendix A.

B. Compliance with this section shall be established by providing a pumping receipt dated after the effective date of this Ordinance and during the schedule of compliance as referenced in subsection A hereof.

C. After the initial pumping as required under subsection A. of this Section 110, 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 the property owner submitting a pumping receipt dated within 30 days of the date of the work. 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, at their discretion, 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 another lot pursuant to a recorded easement, any right of entry reserved to the Township under this ordinance shall cease.

D. The Township reserves the right to modify this operation and maintenance program as the Township, in its exercise of its authority under applicable law, shall determine appropriate. In the event that a report of a failure or malfunction of such system is received by the Township, the Township shall be authorized to refer the alleged malfunction to the Montgomery County Health Department and/or conduct an inspection of any on-lot system. The Township shall not be obligated to investigate anonymous reports of failure or malfunction.

E. Prior to entry for any purpose in connection with the enforcement of the provisions of this Part 2B, 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 proposed entry shall not be less than three (3) days from the date of the postmark of the letter.

§111 - System Rehabilitation

The Township shall be authorized to refer to the SEO any conditions of an on-site sewage disposal system which, in the opinion of the Township represent an imminent public health hazard or environmental threat.

§112. - 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 each 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 increased 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 each of the following:

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 exceed 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.

§114 -- Fees

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

§115 - 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 but not the obligation 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.

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

