

CAERNARVON TOWNSHIP
PENNSYLVANIA SEWAGE FACILITIES
ACT 537
SEWAGE MANAGEMENT PROGRAM
ORDINANCE
2014

Vision Engineering, Inc.

155 East Front Street (Rear)

Lititz, Pennsylvania 17543

CAERNARVON TOWNSHIP

Lancaster County, Pennsylvania

**CAERNARVON TOWNSHIP
PENNSYLVANIA SEWAGE FACILITIES
ACT 537
SEWAGE MANAGEMENT PROGRAM
ORDINANCE**

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, COUNTY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA, ADOPTING CERTAIN POLICIES, PROCEDURES AND REGULATIONS IMPLEMENTING CERTAIN REQUIREMENTS RELATED TO THE ACT 537 SEWAGE FACILITIES ACT, AS APPROVED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, PROVIDING PROVISIONS RELATING TO THE IMPLEMENTATION AND EXECUTION OF THAT ACT 537, INCLUDING DEFINITIONS, IMPLEMENTATION OF A SEWAGE MANAGEMENT PLAN, ESTABLISHING CONSISTENT ONLOT SEWAGE DISPOSAL SYSTEM MAINTENANCE STANDARDS AND CRITERIA, PROVIDING FOR INSPECTIONS, MAINTENANCE, REHABILITATION, MANAGEMENT OF RECORDS, REPORTING, FEES, AND EXPENSES, ASSIGNING MAINTENANCE RESPONSIBILITIES TO PROPERTY OWNERS UTILIZING ONLOT SEWAGE DISPOSAL SYSTEMS, PROVIDING PENALTIES AND AN ENFORCEMENT MECHANISM, AND OTHER PROVISIONS CONTAINED HEREIN.

Adopted at a Public Meeting Held on

December 16, 2013

TABLE OF CONTENTS	PAGE
SECTION I. SHORT TITLE: INTRODUCTION AND PURPOSE	4 - 5
SECTION II. DEFINITIONS	5 - 7
SECTION III. APPLICABILITY	7
SECTION IV. PERMIT REQUIREMENTS	7 - 8
SECTION V. INSTALLATION PERMIT NON-STANDARD ONLOT DISPOSAL SYSTEM	8 - 9
SECTION VI. INSPECTIONS	9 - 10
SECTION VII. OPERATION	10 - 11
SECTION VIII. MAINTENANCE	11 - 14
SECTION IX. SUBMISSION OF REPORTS TO TOWNSHIP	15
SECTION X. TRANSFER OF OWNERSHIP	15
SECTION XI. SYSTEM REHABILITATION	15 - 16
SECTION XII. LIENS	16
SECTION XIII. DISPOSAL OF SEPTAGE	16 - 17
SECTION XIV. DUTIES OF SEWAGE ENFORCEMENT OFFICER	17
SECTION XV. ADMINISTRATION	17 - 18
SECTION XVI. FEES AND COSTS	18
SECTION XVII. APPEALS	18
SECTION XVIII. PENALTIES	19
SECTION XIX. REPEALER	19
SECTION XX. SEVERABILITY	19

Caernarvon Township Sewer Management Program Ordinance

**Caernarvon Township
Lancaster County, Pennsylvania**

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ONLOT SUBSURFACE
SEWAGE DISPOSAL FACILITIES IN CAERNARVON TOWNSHIP, LANCASTER
COUNTY, PENNSYLVANIA

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

Section I. Short Title: Introduction and Purpose

- A. The Board of Supervisors recognizes that individual and community onlot sewage disposal systems constitute a valid and approved manner of conserving the quality of water and other natural resources of the Township through proper treatment of wastes generated by development within the Township. The use of onlot sewage disposal systems must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and the permitted types of onlot sewage disposal systems. In addition the Township recognizes that should an onlot sewage disposal system installed by a landowner fail, the water quality and other natural resources of the Township may be polluted.
- B. The Board of Supervisors further recognizes that failure to properly maintain onlot sewage disposal systems results in malfunctions of these systems which in turn results in the pollution of the groundwater and other natural resources of the Township. Whereas the consideration of this Ordinance will promote and regulate the necessary maintenance required on these onlot sewage disposal systems to ensure long term performance of these systems thereby protecting the groundwater, land and other natural resources of the Township.
- C. The Board of Supervisors further recognizes that one of the primary and necessary maintenance requirements is to ensure regular and consistent pumping of the onlot disposal system tanks and regular and consistent inspections of the onlot disposal systems overall by qualified professionals. Moreover, it is the responsibility of the landowner to insure said regular and consistent maintenance requirements are performed on their respective systems.
- D. This ordinance shall be known and may be cited as “An ordinance providing for a Sewage Management Program for Caernarvon Township.
- E. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. 750.1 et seq. known as Act 537), It is the power and the duty of Caernarvon Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Caernarvon Township

indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

- F. Moreover as the current provisions of the "Sewage Facilities Act" (P.L. 1535, No. 537 (35 P.S. §§750.1-750.20; hereby referred to as the "ACT") does allow for certain exemptions to permitting of onlot sewage disposal systems (P.L. 1250, No. 149 (Act of December 14, 1994 Section 4) thereby amending a portion of the "ACT" (section 7(a)) stipulating that unless a local agency or Municipality requires a permit by ordinance, certain owners of lots (10 acres or larger) are exempt from the requirements of the ACT to obtain a permit for the installation of an onlot sewage disposal system on such person's lot. Whereas the aforesaid section 7(a) of the ACT also authorizes the Township to enact an ordinance requiring a permit for ALL onlot sewage disposal systems within the Township. Be it now acknowledged and ordained by the adoption of this ordinance that the Township desires and requires that permits be required for ALL onlot sewage disposal systems in the Township irrespective of the lot size (whether they are greater or less than 10 acres in size) or whether the subject lot qualifies for an exemption of the permitting requirements of the ACT shall ALL conform to permit requirements of the Township.
- G. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of onlot sewage disposal systems (OLDS); 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.

Section II. Definitions

- A. *Authorized Agent* - A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary, or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Ordinance within specified limits.
- B. *Board* - The Board of Commissioners, Caernarvon Township, Lancaster County, Pennsylvania
- C. *Community Sewage System* - Any system, whether publicly or privately owned, for the collection of sewage from two (2) or more lots, and the treatment and/or disposal of the sewage on one (1) or more lots or at any other site.
- D. *Department* - The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. *Individual Sewage System* - A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania.
- F. *LCSWMA* - The Lancaster County Solid Waste Management Authority.

- G. *Malfunction* - The condition occurring when an onlot sewage disposal system causes pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or is a hazard to public health. Any septic or holding tank observed to be leaking, or any instance where sewage is backing up into a building connected to the system is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.
- H. *Manifest* – A written report made to the Township by a septage hauler providing service to an Onlot disposal system within the Township which at a minimum contains the name and address of the septage hauler, the name of the property owner, the address of the property upon which the onlot disposal system is located, and all other information required in Section 15.13 of this Ordinance.
- I. *Nonstandard System* - An onlot disposal system (OLDS) which has any equipment which is not commonly found on OLDS within Lancaster County or an OLDS which has been modified to address groundwater contamination or other environmental issues or any OLDS which requires additional approvals from the DEP or a modification or amendment to the Township's Official Plan.
- J. *Official Sewage Facilities Plan* – A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Board of Supervisors and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- K. *Onlot Disposal System (OLDS)* - Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.
- L. *Person* – Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership of firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- M. *Rehabilitation* - Work done to modify, alter, repair, enlarge, or replace an existing onlot disposal system.
- N. *Replacement Location* – A location designated as the future location of an onlot sewage disposal system that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all DEP regulations and all applicable Township ordinances for an onlot sewage disposal system.
- O. *Septage Hauler* – any person licensed by the LCSWMA, DEP, or other governmental agency to remove septage or other solids from treatment tanks of onlot septic systems or community disposal systems, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township.

- P. *Septic System Report* - Township form to be completed by the qualified pumper/hauler and forwarded to the Township after each inspection and/or pumping.
- Q. *Sewage* - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No.394), known as "The Clean Streams Law", as amended.
- R. *Sewage Enforcement Officer (SEO)* – A person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspection, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated there under and this or any other ordinance adopted by the Township.
- S. *Sewage Management District* – shall mean any area of areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board of Supervisors as an area for which a Sewage Management program is to be implemented.
- T. *Sewage Management Program* – shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated there under and such other requirements adopted by the Board of Supervisors to effectively enforce and administer this ordinance.
- U. *Subdivision* – shall mean 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 there from.
- V. *Township* - Caernarvon Township, Lancaster County, Pennsylvania
- W. For the purposes of this ordinance, any term which is not defined herein shall have the meaning attributed to it under the Sewage Facilities Act and Regulation promulgated thereto.

Section III. Applicability

- A. From the effective date of this ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such as area or areas the provisions of this ordinance shall apply to all persons owning any property serviced by an onlot sewage disposal system and to all persons installing or rehabilitating onlot sewage disposal systems.

Section IV. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter an individual onlot sewage disposal system or community sewage disposal system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual onlot sewage disposal system or community sewage disposal system is

to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications or such system are in compliance with the provisions of the Clean Stream Law (35 P.S. 691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et seq.) and the regulations adopted pursuant to those Acts. This specifically includes any and all lots irrespective of the lot size (whether they are greater or less than 10 acres in size) or whether the subject lot qualifies for an exemption of the permitting requirements of the ACT 537 (or amendments thereto).

- B. No System or structure designed to provide individual or community sewage disposal systems shall be covered from view until approval to cover the same has been given by a sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement office issuing the permit received notification or completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.
- C. Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted onlot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.
- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a sewage enforcement officer.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing onlot sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether their proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by a sewage enforcement officer employed by the Township. DEP shall be notified as to the identity of each sewage enforcement officer employed by the Township.

Section V. Installation Permit for a Non-Standard onlot sewage disposal system

Installation Permit Requirements for Non-Standard onlot sewage disposal system. All persons who desire to install a non-standard OLDS in addition to all requirements of Sections IV of this Ordinance shall meet all of the following requirements:

- A. The record owner of the lot on which such system is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the system which grants the Township the right to enter upon the property; to inspect such system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such system is not

functioning properly; to maintain such system if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the system is removed and the property is connected to a Public Sewer Service Provider sewer system.

- B. The applicant shall post financial security with the Township to secure the future maintenance of the system and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular non-standard system chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account.
- C. The Township shall not release such financial security until the Township is provided with alternate financial security or until the system is removed and the property is connected to a public sewer system owned and operated by a governmental entity.
- D. The applicant shall demonstrate to the Township that the proposed non-standards system meets all applicable DEP regulations and that the applicant has obtained all necessary approvals and permits.
- E. The applicant shall provide the Township with a complete set of as-built plans for the non-standard system after its installation.
- F. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
- G. The applicant shall pay all costs associated with the yearly inspection of the nonstandard system

Section VI. Inspections

- A. An initial inspection and subsequent periodic inspections shall be conducted when an onlot sewage disposal system is pumped. Inspections shall be conducted by a qualified pumper/hauler for the purpose of determining a system's functional status. The individual property owner is responsible to contact and make arrangements directly with the pumper/hauler.
- B. A written report of the inspection shall be prepared by the pumper/hauler and furnished to the Township within thirty (30) days of the inspection.
- C. Written reports shall be recorded on the Caernarvon Township Septic System Report form. The pumper/hauler shall fully complete the form to address all requested information.
- D. An authorized agent of the Township shall inspect systems known to be, or alleged to be malfunctioning. Should said inspections reveal that the system is indeed malfunctioning; the authorized agent shall order action to be taken to correct the malfunction. If total correction

cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.

1. Any onlot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance.
2. Such Inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the onlot sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
3. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.
4. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.
5. If there arises a geographic area where numerous onlot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by the Township officials and /or DEP, represents a serious public health or environmental threat.

Section VII. Operation

Only sewage and normal domestic wastes shall be discharged into any onlot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial wastes
- B. Automobile oil and other non-domestic oil
- C. Fats and grease, nonbiodegradable soaps, detergents and/or inert materials such as coffee grounds
- D. Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, herbicides, acids, paints (including latex or water based paints), paint thinners, gasoline, and other solvents.
- E. Clean surface or ground water, including spring water, water from roof or cellar drains, water from basement sump pumps, and water from French drains.

- F. Disposable products such as diapers, feminine hygiene products, and similar materials.
- G. Vehicle wash water and other potentially contaminated or clean run off or storm water.
- H. Beauty shop waste other than single chair beauty shop in conjunction with a residential use.
- I. Abattoir or butcher shop waste.

Section VIII. Maintenance

All persons who own a lot upon which an onlot sewage disposal system is installed and all persons who occupy a lot on which an onlot sewage disposal system is installed shall properly use and maintain such onlot sewage disposal system. Proper maintenance of an onlot sewage disposal system shall include, at a minimum:

- A. Retention of a septage hauler to remove septage from the tank of the onlot sewage disposal system at least once during each period of three calendar years or whenever an inspection reveals that the treatment tank is filled with solids in excess of 1/3 the liquid depth of the tank or with scum in excess of 1/3 the liquid depth of the tank, whichever shall require the more frequent removal. It is the responsibility of the property owner to insure that septage is removed from the tank of the onlot sewage disposal system in accordance with the requirements of this section. No person other than a septage hauler shall be permitted to remove septage from the tank of an onlot sewage disposal system or to otherwise dispose of any septage or any other substance within an onlot sewage disposal system. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed pumping periods.
- B. Inspection of the onlot sewage disposal system each time the onlot sewage disposal system is maintained, each time that a malfunction of the onlot sewage disposal system is reported to the Township, and as may be necessary to insure proper function on the onlot sewage disposal system. The person performing the inspection shall complete a manifest and shall provide a copy of the manifest to the Township and to the owner of the property on which the onlot sewage disposal system is located. Each inspection manifest shall include all of the following information:
 - a. Name and address of owner of property on which onlot sewage disposal system is located.
 - b. Address of property where the onlot sewage disposal system is located if different from the address of the property owner.
 - c. Identity of person performing inspection including if applicable, Sewage Enforcement Officer Certification number.
 - d. Date of inspection and/or maintenance.
 - e. Date of prior inspection and/or maintenance (if known).

- f. Description and diagram of the location of the treatment tank, risers (if available), and access hatches, pump tanks, filters, and similar facilities with distances relative to two fixed landmarks.
 - g. Size of tank.
 - h. Age of onlot sewage disposal system (if known).
 - i. Presence and conditions of baffles in all tanks and all compartments.
 - j. If applicable, list of maintenance performed at time of inspection including amount of septage, sludge or other material removed.
 - k. Statement of whether any malfunction was observed and, if so, description of malfunction.
 - l. DEP Permit Number and site name for destination of septage removed, if applicable.
 - m. Septage hauler truck operator name.
 - n. Signature of person performing inspection.
- C. Any person owning or building served by an onlot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- D. Maintenance Districts Established & Maintenance Requirements Described:
- Any person owning a lot served by an "OLDS" shall have the "OLDS" inspected and the tank pumped by a septage hauler registered by the Township within ninety (90) days of receiving official notice. This requirement shall include OLDS which require an aerobic treatment tank, cesspools and drywells. Thereafter, that person shall have the tank pumped at least every three (3) years, upon notice to do so, or whenever an inspection reveals that the tank is filled with solids or scum in excess of 1/3 of the liquid depth of the tank. The septage hauler shall submit a manifest to the owner and to the Township as set forth below. The owner shall be responsible to insure that the septage hauler submits the manifest to the Township.
- 1) After the effective date of this article, the Township shall be divided into three sections or districts. All property owners shall be notified by the Township of the section or district to which the property is assigned and the sections or districts shall be established and shown on an official Township map. The three (3) year cycle of pumping shall be alternated through each of the three (3) districts in a manner that the entire Township will have cycled through the pumping schedule in a three (3) year period. At the end of the three (3) year cycle the same cycle will commence again alternating in a pattern so that

each property in the Township will have had its tank(s) pumped once every three (3) years.

- 2) Any onlot sewage disposal system installed upon a property which is located within District 1 shall have septage removed from the tank of the onlot sewage disposal system within 12 months from the effective date of this article. Notwithstanding the foregoing, if a property owner can provide proof to the Township that such onlot sewage disposal system had septage removed from its tank within the twenty-four-month period preceding the effective date of this article, the onlot sewage disposal system will not have to have septage removed within 12 months from the effective date of this article, and the date of the removal of the septage shall be considered the date of initial maintenance for the purpose of Subsection A(5) herein.
- 3) Any onlot sewage disposal system installed upon a property which is located within District 2 shall have septage removed from the tank of the onlot sewage disposal system within 24 months from the effective date of this article. Notwithstanding the foregoing, if a property owner can provide proof to the Township that such onlot sewage disposal system had septage removed from its tank within the twelve-month period preceding the effective date of this article, the onlot sewage disposal system will not have to have septage removed within 24 months from the effective date of this article, and the date of the removal of the septage shall be considered the date of initial maintenance for the purpose of Subsection A(5) herein.
- 4) Any onlot sewage disposal system installed upon a property which is located within District 3 shall have septage removed from the tank of the onlot sewage disposal system within 36 months from the effective date of this article.
- 5) The date upon which any onlot sewage disposal system has septage removed in accordance with Subsection A(2) through (4) herein shall be considered the date of initial maintenance. All onlot sewage disposal system shall have septage removed in accordance with this section within three (3) years from the date of initial maintenance. The onlot sewage disposal system shall continue to have septage removed from the tank within three (3) years from the date of the last removal of the septage as long as the onlot sewage disposal system continues to be used for sewage disposal.
- 6) For onlot sewage disposal systems installed after the effective date of this article, the onlot sewage disposal systems must have septage removed within three (3) years from the date of final inspection of the onlot sewage disposal systems or, in the case of new construction, if the property will not be occupied within one month from the date of final inspection of the onlot sewage disposal systems, within three (3) years from the date of the issuance of the certificate of use and occupancy by the Zoning Officer. The onlot sewage disposal systems shall continue to have septage removed from the tank within three (3) years from the date of the last removal of the septage as long as the onlot sewage disposal system continues to be used for sewage disposal.
- 7) For onlot sewage disposal systems maintained on a more regular basis than the three (3) year minimum cycle length or alternatively have recently had their OLDS pumped and can provide a receipt or other evidence or documentation demonstrating minimum compliance with the requirements of this Ordinance will be accepted and no requirements above and beyond this Ordinance will be imposed on these systems. However, all

systems will require a minimum of pumping no less than the three (3) year cycle length as established from the date of the most recent documented pumping.

- E. The required frequency of pumping may be increased at the discretion of the Township, if:
 - 1) A system is found to be malfunctioning;
 - 2) A system is found to be undersized;
 - 3) The treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank;
 - 4) The hydraulic load on the system increases significantly above average;
 - 5) A garbage grinder is used in the building;
 - 6) The OLDS malfunctions; or
 - 7) Other good cause can be shown.
- F. The septage hauler shall conduct an inspection at the time of pumping for the purpose of determining the type and functional status of each OLDS.
 - 1) The septage hauler shall include an inspection of the baffles within the tank. If the baffles are in a deteriorated condition, the owner is responsible to replace the baffles. A permit shall be required from the Sewage Enforcement Officer to replace deteriorated baffles as with any other rehabilitation, alteration or repairs.
 - 2) The septage hauler shall include an inspection of the entire system and clearly identify any portions of the system that are not functioning properly and need repairs. Any and all rehabilitation, repairs, modifications or alterations of any kind will require the appropriate permit from the Sewage Enforcement Officer.
- G. The operation and maintenance recommendations from the manufacturer of the equipment which is part of the onlot sewage disposal system must be followed.
- H. The Township may require additional maintenance activity as needed including, but not limited to, cleaning and unclogging of piping; service and repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and/or the diversion of surface water away from the absorption area.
- I. The owner of a property upon which an onlot sewage disposal system is constructed shall, at all times, operate and maintain the onlot sewage disposal 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.
- J. Maintenance of surface contouring and other measures consistent with DEP regulations to divert storm water away from the treatment facilities and absorption areas and to protect absorption areas from physical damage.

Section IX. Submission of Reports to Township

- A. Each septage hauler who performs maintenance upon an onlot sewage disposal system within the Township, including, but not limited to pumping out the onlot sewage disposal system, shall insure that after maintenance of an onlot sewage disposal system the septage hauler files a manifest with the Township for each onlot sewage disposal system service within the Township and provides the owner of the property on which the on lot sewage disposal system is located with a copy of the manifest.
- B. The owner of a lot on which an onlot sewage disposal system is located is responsible to insure that the septage hauler files a copy of the manifest with the Township after maintenance of the on lot sewage disposal system and, in the event the septage hauler fails or refuses to do so, shall file a copy of the manifest with the Township. The owner's property will not be considered compliant with these regulations and requirements until the manifest is received by the Township irrespective of whether the tank was pumped and inspected as required.
- C. Each person who performs maintenance upon a community sewage system within the Township shall insure that after the maintenance of the community sewage system such person files a manifest with the Township and provides the owner of the community sewage system with a copy of the manifest.

Section X. Transfer of Ownership

- A. Any person who transfers a lot containing an onlot sewage disposal system shall provide the new owner with all records concerning the maintenance of the onlot sewage disposal system and shall demonstrate compliance with this Ordinance.
- B. Each person who transfers a lot containing a Non-standard System shall additionally provide the new owner with all manuals and information provided by the manufacturer of the non-standard system.

Section XI. System Rehabilitation

- A. No person shall operate or maintain an onlot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning onlot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within 30 days of the initial notification by the

Township construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

- D. A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 30 days.
- G. Should none of the remedies described in this Section be completely effective in eliminating the malfunction of an existing onlot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section XII. Liens

The Township, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform, or contract to have performed, the work required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with the law.

Section XIII. Disposal of Septage

- A. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. 6018.101 et seq.) and all other applicable laws and at sites of facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

- B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. 6018.101-6018.1003) and all other applicable laws.
- C. Each septage hauler which desires to operate within the Township shall register with the Township prior to commencing operations within the Township. Each septage hauler shall register annually, and each registration shall expire on the last business day of December of a calendar year. At the time of registration the respective hauler shall provide current and applicable certifications (PADEP) to provide such services.

Section XIV. Duties of Sewage Enforcement Officer

Duties of Sewage Enforcement Officer. In addition to all other duties of the SEO set forth in this Ordinance, the SEO shall have the power and duty to enforce the provisions of this Ordinance and to investigate any reports of malfunctioning onlot sewage disposal system and community sewage system or evidence that an onlot sewage disposal system or community sewage system may be malfunctioning which the SEO discovers. In performing these duties the SEO shall have the following powers:

- A. To conduct routine inspections of properties upon which onlot sewage disposal system or community sewage systems are installed as part of any administrative program the Township institutes to insure compliance with this Ordinance. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions and shall be at the cost of the owner of the property on which the onlot sewage disposal system is located or the owner of the community sewage system.
- B. To perform an inspection of an onlot sewage disposal system or community sewage system when the owner of the onlot sewage disposal system or community sewage system fails to have such onlot sewage disposal system or community sewage system maintained and/or fails to submit or insure that a septage hauler submits a manifest after such inspection and maintenance
- C. To make reports as requested by the Board regarding maintenance of onlot sewage disposal system and community sewage systems in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.
- D. To institute summary criminal proceedings to enforce this Ordinance.
- E. To consult with the Township Engineer and the Township Solicitor, as authorized by the Board, to assist in the enforcement of this Ordinance.

Section XV. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The Township may also contract

with private qualified persons or firms as necessary to carry out the provisions of this ordinance.

- C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of onlot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.
- D. The Township may establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Township Board of Supervisors may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program.

Section XVI. Fees and Costs

- A. Each owner of a property on which an OLDS is located and each person who owns a community sewage system shall bear all costs associated with the operation, inspection, and maintenance of such OLDS or community sewage system.
- B. The owner of each property on which an OLDS is located and the owner of each community sewage system shall reimburse the Township for all costs associated with inspections of such OLDS or community sewage system the Township Sewage Enforcement Officer or any other agent of the Township performs pursuant to this Ordinance.
- C. The Board of Supervisors shall adopt fees for the issuance of permits and performance of inspections under this ordinance by resolution or ordinance.

Section XVII. Appeals

- A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within 30 days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered in writing within sixty (60) days of the date of the hearing. If a decision is not rendered within sixty (60) days, the relief sought by the appellant shall be deemed granted.

Section XVIII. Penalties

Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than Three Hundred dollars (\$300) and costs, and not more than Five Thousand dollars (\$5000) and costs, or in default thereof shall be confined in the county jail for a period of not more than 90 days. Each day of noncompliance shall constitute a separate offense.

Section XIX. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section XX. Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable there from.

ENACTED and ORDAINED at a regular meeting of the Board of Supervisors on the day of **December 16, 2013**.

TOWNSHIP OF CAERNARVON

By: Kerry L. Hartung
Supervisor

By: Sam P. H. H.
Supervisor

By: T. J. M. J.
Supervisor

Attest: Kathryn M. Davis (SEAL)
Secretary