

ORDINANCE NO. 1 2006

**AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS (OLDS), ESTABLISHING APPLICATION AND PERMITTING PROCESSES AND FINANCIAL AND/OR PERFORMANCE ASSURANCES FOR INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS (IRSIS), AND PROVIDING FOR IMPOSITION OF PENALTIES FOR NONCOMPLIANCE AND APPEALS FOR HARDSHIP SITUATIONS.**

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 regulations promulgated there under, the Supervisors of Greenwich Township, Berks County, Pennsylvania, do hereby ordain as follows:

This Ordinance shall be known as and may be referred to as the Greenwich Township Sewage Ordinance.

SECTION I. Purpose – The purposes of this ordinance include:

- A. The regulation of soil testing for, installation, inspection, operation, rehabilitation, replacement, and timely ongoing maintenance of on-lot systems within the township; and,
- B. The establishment of provisions and safeguards for the Township which enable the issuance of permits for Bonded Systems and IRSIS systems by and through the Sewage Enforcement Officer (SEO); and,
- C. Establishment of minimum standards for the periodic pumping of treatment and pump tanks which are components of OLDS permitted by the SEO; and,
- D. Adoption, by reference, of standards for initial inspection and subsequent pumping of systems and tanks; and,
- E. Establishment of standards for the proper abandonment of OLDS.

SECTION II. Terms and definitions

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

Absorption Area – A component of an individual or community OLDS 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.

Absorption Area Easement – a portion of a lot, tract, or parcel that encompasses the Primary and Replacement Area and which shall be delineated and preserved. The Primary and Replacement Areas need not be contiguous.

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

Authorized Agent – A Certified Sewage Enforcement Officer (SEO), professional engineer, or sanitarian, plumbing inspector, soil scientist, water quality specialist, or any other person who is designated to carry out the provisions of this Ordinance as the agent of the Board of Supervisors of Greenwich Township.

Board – The Board of Supervisors of Greenwich Township, Berks 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.

Chisel Plow – A farm or tractor implement used to “rough up” or scarify the soil surface, break down surface vegetation, and increase the soil surface area.

Community System – A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

DEP/the Department – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Developer – Any person, partnership, or corporation which erects or contracts to erect a building on property owned by it, with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent Dwelling Unit (EDU) – For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

Individual Residential Spray Irrigation System (IRSIS) – An individual sewage system that serves a single family dwelling and that treats and disposes of sewage using a system of piping, treatment tanks, and soil renovation through spray irrigation.

Individual On-Lot Sewage System – An individual sewage system that uses a system of piping, tanks, or other facilities for the collecting, treating, and disposing of sewage into a soil absorption area or retaining tank.

Individual Sewerage System – An individual sewage system, which uses a method of collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

Industrial Waste – A liquid, gaseous, radioactive, solid, or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt, and clay from coal mines, coal collieries, breakers, or other coal processing operations. The term includes substances whether or not generally characterized as waste.

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.

Marginal Conditions – A property shall be deemed to exhibit marginal conditions if it displays *any* of the following characteristics: gross lot size of less than 1.5 acre; wetlands; floodplain; limiting zones of less than 20" to evidence of seasonal high water table or rock; slopes in excess of 25%; isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acre.

Owner – Any person, corporation, partnership, etc. holding deed or title to lands within the township.

OLDS – Individual or community On-Lot sewage Disposal System.

Planning module for Land Development – A revision to, or exception to the revision of, the Official Plan, submitted in accordance with DEP regulations, and in connection with the request for approval of a subdivision or land development plan.

Primary Area – An area on a lot, tract, or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an 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 the sewage generated on that lot, tract, or parcel. (See Replacement Area)

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:

- (i) Chemical Toilet – A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.

- (ii) Holding Tank – A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
- (iii) Privy – A tank designed to receive sewage where water under pressure is not available.
- (iv) Incinerating toilet – A device capable of reducing waste material to ashes.
- (v) 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.
- (vi) Recycling Toilet – A device in which the flushing medium is restored to a condition suitable for re-use 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 that constitutes pollution to the waters of the Commonwealth under the Clean Streams Law.

Soil Scientist – A practicing Pennsylvania ARC PAC or PAPSS Certified Soils Professional qualified for on-lot sewage evaluations.

Township - Greenwich Township, Berks 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:

- (i) Septic Tank – A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.
- (ii) Aerobic Sewage Treatment Tank – A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

Waters of the Commonwealth – Rivers, streams, creeks rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

### SECTION III. 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 and 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 sewage system components including absorption areas must be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, except through means of an easement.
- 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 part or component of any OLDS shall be altered, extended, augmented, modified, or repaired without the issuance of a repair permit by the SEO.
- F. No OLDS shall be used or loaded in a manner that is inconsistent with the permit that was issued to authorize the system's installation.
- G. Permit applications for on-lot systems that include electronically, mechanically, hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- H. Permit applications for which the provisions of Section V.A. or Section VI. K. apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the contract is terminated that the Township be so notified.

#### SECTION IV. Replacement Areas

- A. Soil probe and percolation testing and/or soil morphological evaluations by a soil scientist to provide a replacement area shall be required on all proposed lots which are intended to be served by a soil absorption area, with the exception of Drip Irrigation and IRSIS systems.

OR

Soil probe and percolation testing and/or soil morphological evaluations by a soil scientist to provide a replacement area shall be required on all proposed lots, which exhibit marginal conditions as defined in SECTION II.

- B. A replacement area shall be required for all unimproved lots existing prior to the effective date of this Ordinance, which are intended to be serviced by a soil absorption system and contain marginal soils, but for which a permit to install an on-lot system has not been issued.
- C. Allowance of open land for the replacement area, without performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with this section.



- D. The location of the primary and replacement areas shall be delineated and identified as an absorption area easement on the plot plans, and maps or diagrams submitted as part of the permit application and subdivision or land development plan.
- E. The description, including metes and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
  - 1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
  - 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 easement.
  - 3. During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating on the surface of the absorption area easement.
  - 4. The final cover or improvement to every absorption area easement shall be limited to shallow rooted vegetation. The exception shall be where Drip Irrigation or IRSIS systems are proposed, trees will be allowed to remain.
  - 5. No trees shall be planted or remain which are located within ten feet (10 ft.) of the proposed sewage absorption area.
- F. A landowner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists, and upon such a finding shall:
  - 1. Prepare and submit to the SEO for approval a Declaration of Easement which shall:
    - a. Meet the identification, non-use, and preservation requirements of this section;
    - b. Describe, by metes and bounds, the easement area to be abandoned.
  - 2. Within 15 days of the approval by the township, record the Declaration of Easement at the Berks County Recorder of Deeds Office.
  - 3. File a copy of the recorded easement with the Township.

#### SECTION V. On-site Probe and Percolation Testing

- A. All sites shall have a minimum of two soil probes excavated and observed by the SEO.
- B. Commercial or community sites shall have a minimum of one probe every 50 ft. on conventional ground based systems and one probe every 100 ft. for drip and

spray sites. Probes shall be staggered in order that the lower probe is in the middle of the upper two.

- C. All sites shall have a minimum of six percolation test holes conducted uniformly within the proposed sewage absorption area.
- D. Commercial and community sites shall require the following number of percolation test holes as follows:

<u>Proposed Absorption area square feet</u>	<u>Number of Percolation test holes</u>
2,000	9
3,000	12
4,000	15
5,000	18
6,000	21
7,000	24

- E. No sewage system repairs may be completed involving the installation of a new sewage absorption area or a repair to an existing sewage absorption area without completing percolation and soil probe testing as per Section V A thru D.
- F. All percolation and soil probe testing shall be observed by the Township SEO to be valid.
- G. All percolation and probe excavations shall be located on a referenced scaled plan drawing by the Applicant or Subdivider within 60 days after completion.
- H. The Applicant or Land Owner shall be responsible to protect the safety, health and welfare of all individuals relative to conducting onsite probe and percolation testing. The excavations shall be protected during testing and closed within 72 hrs. thereafter.

#### SECTION VI. Maintenance Agreements Required.

- A. All Applications for on-lot systems that propose to use an Individual Residential Spray Irrigation System as the treatment method shall be accompanied by a maintenance agreement between the owner and the Township providing for an annual inspection by the SEO, at the owner's expense, in accordance with the currently adopted Township fee schedule, for the purpose of monitoring the satisfactory operation of the system. The inspection shall include analyses of effluent at a PA DEP certified laboratory for compliance to PA DEP standards. Said testing may be conducted based upon samples taken by the owner, who must send a copy to the Township.

- B. Also included in this requirement shall be systems permitted by PA DEP such as stream or swale discharge and all holding tanks, whether residential, commercial, or temporary.
- C. Applications for IRSIS and holding tanks shall be accompanied by a financial guarantee of the same type and character that is required for public improvements by the Township's Subdivision and Land Development Ordinance.
- D. Module submissions for DEP permitted systems shall be accompanied by a financial guarantee of the same type and character that is required elsewhere in this section.
- E. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the IRSIS in the event that the owner:
  - 1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications; or,
  - 2. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this ordinance; or,
  - 3. Fails to conduct testing and monitoring at least annually, or more frequently if required by DEP regulation, and report the analysis to the Township.
- F. From the date of the permit application or planning module is submitted to the SEO or Township and continuing for a period ending two (2) years after the date the system's installation is approved or verified by the SEO, the financial assurance shall be in an amount not less than fifty percent (50%) of contract price for the installation of the system and all related system components.
- G. Beginning two (2) years after the date the system's installation is approved or verified by the SEO and continuing as long as the system is in use, the financial assurance shall be reduced to an amount not less than ten percent (10%) of the actual construction cost for the installation of the system and other related system components.
- H. The financial guarantee shall be forfeited by the owner and the Township shall apply the funds to the repair, operation, and maintenance of the system when:
  - 1. The system is not maintained according to the standards of this Ordinance, applicable DEP regulations, or the manufacturers specifications; or,
  - 2. The treatment tank(s) are not serviced, cleaned, inspected, and/or pumped according to the applicable standards of this Ordinance; or,
  - 3. The testing and monitoring are not conducted according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications.

#### SECTION VII . Permitting and Installation of OLDS.

- A. Permits for OLDS shall comply with all provisions of the PA code, Title 25, Chapters 71, 72, and 73 and any supplements or revisions thereto, and comply with this Ordinance. A permit shall be obtained from the Township's



appointed SEO prior to conducting any alteration, construction, or repair to any sewage system within the Township regardless of lot size or configuration. The Township shall retain final authority for the conditions and issuance of OLDS permits.

- B. The Code Enforcement Officer or authorized person of the township shall not issue a building permit for a building to be served by either an individual or community OLDS without first receiving a copy of the permit for the OLDS issued by the Township's appointed SEO.
- C. The Code Enforcement Officer or authorized person of the Township shall not issue an occupancy permit for a building to be served by either an individual or community OLDS without first receiving a copy of the permit for the OLDS bearing the signature of the Township's SEO granting "Approval to Cover".
- D. All systems shall provide at a minimum the following, in addition to the standard items required by PA DEP regulations:
  - 1. Cleanouts at the end of laterals with a removable plug for all pressurized systems.
  - 2. All piping from the treatment tank to the absorption area shall have a minimum thickness of Sch. 40 PVC.
  - 3. Where a distribution box is used, a cleanout shall be provided at the inlet of the "d-box" to identify location, installed with watertight cap above final grade.
  - 4. Where a manifold is used for gravity distribution, at least one cleanout must be provided in seepage bed piping, to identify location, and check ponding, installed with watertight cap above final grade.
- E. Conventional Inground Trench Sewage Systems shall have the following minimum horizontal separation distances from edge of trench to edge of trench as follows:

<u>Land Slope %</u>	<u>Minimum Horizontal Separator</u>
0 – 10	6 feet
10 – 20	7 feet
21 – 25	8 feet

#### SECTION VIII. Community Systems.

- A. Privately owned community systems are subject to the same requirements of this ordinance as individual OLDS. In addition, the following shall be applicable to community systems:
  - 1. A list of the names and addresses of all participants in the community system shall be provided to the Township.
  - 2. Participants shall be equally liable for expenses incurred by the Township or its authorized agent on the shared component of the system unless they have decided among themselves to assume unequal

- burdens of responsibility for the system, in which case the Township shall assess expenses incurred accordingly.
3. Expenses incurred on the individual property of participants by the Township or its authorized agent shall be assessed against the individual participant.
- B. Participants in a community system shall be assessed directly for expenses incurred by the Township or its authorized agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization.

#### SECTION IX. Construction Observation.

- A. All OLDS shall have construction observations by the Township's appointed SEO during performance of the various tasks as follows:
1. Elevated sand mound systems:
    - a. Chisel plow/scarification of soil surface.
    - b. Sand placement
    - c. Stone and pipe placement, including pressure test.
    - d. Final grade and seeding.
  2. Alternate at-grade bed systems:
    - a. Chisel plow/scarification of soil surface.
    - b. Stone and pipe placement, including pressure test.
    - c. Final grade and seeding
  3. In-ground systems:
    - a. Excavation of bed or trenches including scarification of same.
    - b. Stone and pipe placement, including pressure test, if applicable.
    - c. Final grade and seeding
  4. Drip-irrigation systems (will include, but not be limited to):
    - a. Pre-construction meeting with contractor to review lateral layout and system components.
    - b. Laterals, upon installation and system components prior to cover.
    - c. Activation of system.
- B. All specified OLDS construction observations shall permit visual review of all sewer system components prior to placing soil cover.
- C. Any sewage system component covered without review and observations by the SEO will be required to be opened for examination prior to approval.
- D. No structure may be occupied nor any land placed in use where an OLDS is utilized without the sewage system being approved by the Township SEO.
- E. Construction observation requests should be received by the SEO two working days prior to requiring same. All OLDS shall require inspection regardless of time of inspection request.
- F. The Code Enforcement Officer or authorized person of the Township shall not issue a demolition permit for any building that is served by an OLDS without

first receiving written notice from the SEO that the OLDS has been properly abandoned.

- G. Landowners wishing to abandon an existing OLDS must first contact the SEO for instructions and/or standards for the proper abandonment of said system. The owner shall be responsible to pay the necessary fees incurred for a minimum of one compliance inspection in accordance with the current municipal fee schedule. Exact requirements for safe abandonment of OLDS may vary according to the individual system characteristics and design. Requests will be handled on a case-by-case basis.
- H. Greenwich Township's plumbing code requires the township to inspect the building sewer. Property owner/excavator shall contact the township prior to installation for requirements.

#### SECTION X. Isolation Distances

- A. The following minimum horizontal distances shall be maintained between the named feature and the sewage absorption area pump tank, septic tanks, and/or holding tank as follows:

<b>Named Feature</b>	<b>Distance to HT, ST, PT, TP</b>	<b>Distance to sewage absorption area</b>	<b>Distance to alternate drip tubing</b>	<b>Spray irrigation system</b>
Water Supply Well	50 ft	100 ft	102 ft	100 ft
Driveway	10 ft	10 ft	12 ft	25 ft
Pools	10 ft	50 ft	52 ft	100 ft
Occupied building	10 ft	10 ft	12 ft	100 ft
Cistern	25 ft	25 ft	27 ft	
Water Suction Line	50 ft	100 ft	102 ft	100 ft
Water Supply Line				
Under Pressure	10 ft	10 ft	12 ft	10 ft
Storm water infiltration System	50 ft	100 ft uphill 35 ft downhill 35 ft side	100 ft uphill 20 ft downhill 20 ft side	
Drainage Swale	10 ft	10 ft	12 ft	25 ft
Storm water Pond	25 ft	50 ft	52 ft	50 ft
Stream or Lake	25 ft	50 ft	52 ft	50 ft
Grading or Disturbed Area	5 ft	10 ft	12 ft	10 ft
Closed Depression or Mini Hole	50 ft	100 ft	102 ft	100ft
Slopes above 25%	10 ft	10 ft	10 ft	10 ft
Property Lines	10 ft	10 ft	12 ft	25 ft
Unoccupied Buildings	10 ft	10 ft	12 ft	25 ft
Rock out Crop	10 ft	10 ft	12 ft	25 ft

HT = Holding Tank, ST=sewage Tank, PT= Pump Tank, TP= Treatment Plant

## SECTION XI Operation and Maintenance of OLDS.

- A. All systems shall be operated by the owner in a manner that is in full compliance with the terms of this Ordinance, PA DEP regulation, and the system's permit.
- B. Only sewage and normal domestic wastes may be discharged into any OLDS.
- C. The following shall not, under any circumstances, be discharged into any OLDS:
  - 1. Industrial waste;
  - 2. Fats and grease;
  - 3. Motor oil;
  - 4. Hazardous wastes;
  - 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. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities owned and operated 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.
- E. The owner of a property upon which an OLDS is constructed shall at all times operate and maintain the OLDS 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.
- F. The owner of a property upon which an OLDS 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.
- G. Every aerobic or septic treatment tank is recommended to be pumped out every three (3) years or more frequent for smaller nonconforming tanks.
- H. 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.
- I. Holding tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than one time per year in accordance with this Ordinance.
- J. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, servicing or repair of electrical or 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.

## SECTION XII Rehabilitation of Malfunctioning Systems.

- A. In the event a property owner 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.
- B. The Township's appointed SEO shall have the authority to order the repair or replacement of any existing sewage disposal system with an up-to-date method of sewage disposal. This authority shall include the replacement of any component of the system, the addition of components to the system, and the replacement of an existing septic system with a completely different system, as determined by site evaluation and soil testing as deemed appropriate by the SEO.
- C. Rehabilitation of a malfunctioning system as ordered by the SEO shall commence construction within thirty (30) days of issuance of said order and shall be completed within sixty (60) days unless seasonal conditions mandate a longer period, in which case the SEO will set the extended completion date. If construction is not commenced or completed within the allotted time period, the SEO shall file the proper legal proceedings as provided in Section XI.
- D. The owner of a malfunctioning system may not undertake any independent repair, modification, or replacement of the system without prior notice to and approval of the Township SEO. Upon completion, the SEO shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.

## SECTION XIII. Penalties.

- A. Any OLDS owner found to be violating the provisions of this Ordinance shall be served by the Township's appointed Sewage Enforcement Officer with written notice stating the nature of the violation and the penalties prescribed in subsection B, and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall violate any provision of this ordinance shall be liable for the payment of a fine and penalty in an amount not less than Five Hundred Dollars (\$500.00) and not exceeding Five Thousand Dollars (\$5,000.00), plus costs, or to imprisonment not to exceed ninety days, or both. Each day a violation continues shall constitute a separate offense.
- C. Any septic waste hauler who violates any of the provisions of this ordinance, or regulations of the Township, and conditions of its state permit, or of any



state or local law governing its actions, shall, upon conviction thereof, be suspended from operating within this Township for a period of not less than six (6) months nor more than two (2) years for each violation, to be determined by the Township.

- D. 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 OLDS 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.
- E. The costs for the actual repair, repair permit, and site investigations in support of the permit shall be borne by the property owner.
- F. The Township may take whatever action necessary to recover those costs in accordance with the law, including entering a lien against the property.
- G. The Township may seek injunctive relief to prevent continued use of a malfunctioning system.
- H. A violation will be assessed against both parties when the property is under joint ownership and a contractor if construction occurred without compliance with this ordinance.

#### SECTION XIV. Applicability.

- A. The owner of any property serviced by OLDS shall be subject to all the requirements contained herein.
- B. If the owner does not reside on the property in question or within a building on said property, she/he remains responsible for compliance with this Ordinance. Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and the lessee or resident. The Township will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility shall revert back to the owner, even though a valid agreement with the lessee or resident continues to exist.
- C. Upon transfer of responsibility for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior installation, operation, and maintenance of the system.
- D. Upon transfer of responsibility for compliance in accordance with the above requirements, all references to "owner" in this ordinance shall hereinafter refer to the lessee or resident of the building or property.
- E. The owner of any building serviced by an OLDS within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following:
  - 1. Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS;
  - 2. Transfer of ownership of the building;
  - 3. Malfunctioning of the OLDS; and,
  - 4. In the case of an existing building or system, upon the passing of this Ordinance.

SECTION XV. Fees.

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

SECTION XVI. Appeals.

- A. Appeals from decisions of the Township appointed SEO shall be made to the Township Secretary in writing within thirty (30) days from the date of the decision issued in writing by the SEO.
- B. The appellant shall be entitled to a hearing before the Township Board of Supervisors at its next regularly scheduled meeting if made at least fourteen (14) days prior to the meeting. If made within fourteen (14) days of the next meeting, the appeal shall be heard at a special meeting. The Board shall thereafter reverse, modify, or affirm the aforesaid action. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be presented at the hearing provided it is submitted with the written notice of the appeal.
- C. A decision shall be rendered within thirty (30) days of the date of the hearing. If a decision is not rendered within thirty (30) days, the relief sought by the appellant shall be deemed granted.

SECTION XVII. Severability.

- A. 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 this Ordinance.

SECTION XVIII. Repealer.

- A. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into an Ordinance this 6 day of February, 2006.

TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Laurie A Baker  
Secretary (SEAL)

W. J. By  
Chairman (SEAL)