

**ORDINANCE NO. 2009-318-1**

AN ORDINANCE OF THE NEW MILFORD TOWNSHIP PROVIDING FOR THE IMPLEMENTATION OF THE PENNSYLVANIA SEWAGE FACILITIES ACT THEREIN; AUTHORIZING CONNECTIONS WITH INDIVIDUAL AND COMMUNITY SEWAGE SYSTEMS AND REQUIRING PERMITS AND FEES THEREFOR; AND PRESCRIBING PENALTIES FOR VIOLATION

BE IT ENACTED AND ORDAINED by the Supervisors of New Milford Township of Susquehanna County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1.     Purposes. The purpose of this Ordinance is to implement the Pennsylvania Sewage Facilities Act . It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Section 2.     Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A.     AGENCY or LOCAL AGENCY- shall mean Supervisors of New Milford Township, Susquehanna County, Pennsylvania.
- B.     COMMUNITY SEWAGE SYSTEM - any system, whether publicly or privately owned, for the collection and disposal of sewage from two or more lots, or two or more equivalent dwelling units, as that term is defined in the Sewage Facilities Act or the regulations promulgated thereunder, and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
- C.     DEPARTMENT - Department of Environmental Protection of the Commonwealth of Pennsylvania.
- D.     SEWAGE ENFORCEMENT OFFICER - an official of the Agency who reviews permit applications and sewage facilities planning modules, issues permits as

authorized by the Sewage Facilities Act and conducts investigations and inspections that are necessary to implement the Act and regulations thereunder.

- E. HOLDING TANK - shall mean a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

Chemical Toilet - toilet using chemicals that discharge into a holding tank.

Retention Tank - holding tank to which sewage is conveyed by a water-carrying system.

Privy - holding tank designed to receive sewage where water under pressure is not available.

- F. HOLDING TANK CLEANER - municipal authority or person, including a holding tank owner, who removes the contents of a holding tank for purposes of disposing of the sewage at another site.
- G. 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 waters of the Commonwealth or by means of conveyance to another site for final disposal.
- H. LOT - a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.
- I. PERSON - shall mean any natural person, partnership, company, association, corporation or other group or entity. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

- J. PUBLIC SEWAGE SYSTEM - sewer system and the treatment facility owned, operated, or maintained by the New Milford Township approved by the Department under a permit issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. \_ 691.1 - et seq. (1982) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Section 3. Sewage Facilities Act Implemented. This ordinance shall be constructed as implementing for the New Milford Township the provisions of the Pennsylvania Sewage Facilities Act. P.L. 1535, No. 537, January 24, 1966, 35 P.S. \_ 750.1 - 750.20, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Section 4. Connections with Individual Sewage Systems. Where public sewage services are not available to a property owner, the building sewer shall be connected to an individual sewage system or a community sewage system complying with the provisions of this part and in compliance with the Sewage Facilities Act and the regulations promulgated thereunder.

Section 5. Permit Required for Installation; Systems Subject to Approval by DEP. A permit shall be required for the installation of a community sewage system or individual sewage system and building sewer prior to the construction of any buildings for which such system or systems will be installed, and prior to the alteration, replacement, repair or extension of any such existing sewage system; provided, every such sewage system shall be subject to approval by the Pennsylvania Department of Environmental Protection.

Section 6. Application for Permit; Conditions of Issuance. Application for such permit to install a community sewage system or an individual sewage system and building sewer, shall be made prior to the expected date of commencement of construction of such facilities, on forms provided by New Milford Township or the Department of Environmental Protection, which the applicant shall submit with any plans, specifications or other information deemed necessary by the Township Sewage Enforcement Officer. No person shall commence any construction requiring a written permit until such permit has been issued by the Township Sewage Enforcement Officer and the fee for issuing

such permit has been paid in full.

Section 7. Permit Fee. A permit and inspection fee established pursuant to a Resolution of New Milford Township shall be paid at the time the application is filed.

Section 8. Effective Date of Permit Contingent upon Satisfactory Completion of Work.

A permit for a community sewage system or an individual sewage system and building sewer shall not become effective until the installation is completed to the satisfaction of the Township Sewage Enforcement Officer. He shall be permitted to inspect the work at any stage of construction, and the applicant shall notify him when the work is ready for final inspection, and before any underground portions are covered.

Section 9. Conformity to All Regulations. The type, capacities, location and layout of a community sewage system or an individual sewage system and building sewer shall comply with the recommendations of the Township Sewage Enforcement Officer, rules and regulations of the New Milford Township and of the Department, and applicable statutes of the Commonwealth of Pennsylvania.

Section 10. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) dollars, and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

Section 11. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 12. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the New Milford Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part

thereof not been included herein.

Section 13.    Effective Date.    This ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an ordinance this 18<sup>th</sup> day of March A.D. 2009, by the Supervisors of the New Milford Township of Susquehanna County in Lawful Session duly assembled.

Supervisors of New Milford Township

*Daniel J. Shultz*  
*John Hunter*

## CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the Supervisors of the New Milford Township, Susquehanna County, Pennsylvania at a regular meeting of the Board on March 18, 2009.

Nancy Tyler Secretary