

ATTACHMENT C-1

ORDINANCE # 9

SEWAGE FACILITIES ORDINANCE - THOMPSON TOWNSHIP
SUSQUEHANNA COUNTY, PENNSYLVANIA

I. PURPOSES

This Ordinance shall have as its purpose the establishing of procedures and standards for issuing applications and permits in the enforcement of the Pennsylvania Sewage Facilities Act of 1966 and amendments thereto, the Pennsylvania Clean Streams Act, the Pennsylvania Second Class Township Code generally and amendments thereto. The regulations contained herein shall also be considered building sanitation regulations pursuant to Sections 702 - XXVII, XXIX, LI, and LXII of the aforementioned Code and shall further derive authority from Section 73.11(d) of the Pennsylvania Department of Environmental Resources Chapter 73 Regulations.

II. SCOPE

All persons installing an individual or community sewage disposal system shall first obtain a permit which certifies that the site, plan, and specifications of such systems are in compliance with the Pennsylvania Sewage Facilities Act of 1966 and amendments thereto as well as all other rules and regulations adopted pursuant to the Act and the provisions of this Ordinance and all other applicable ordinances and regulations of the Township of Thompson.

No existing home, building or structure shall be occupied or inhabited or its sewage system used until final approval of the same in accordance with the provisions of this Ordinance shall have been granted. No existing building or use within the Township may be expanded or converted to another use which would generate increased sewage flows unless and until the Sewage Enforcement Officer shall have inspected the same and determined that the existing system is adequate to handle the increased flow or a permit shall have been obtained to add the necessary capacity.

III. DEFINITIONS

The term "applicant" shall mean the present property owner of record, or his agent as provided accordance with Department of Environmental Resources regulations.

The "Department" shall mean the Commonwealth of Pennsylvania Department of Environmental Resources.

Other terms shall have the meaning given them by the Pennsylvania Sewage Facilities Act and its implementing Commonwealth regulations.

IV. SEWAGE ENFORCEMENT OFFICER

The Thompson Township Board of Supervisors shall appoint a Sewage Enforcement Officer who shall be charged with the responsibility of administering the provisions of the Sewage Facilities Act and this Ordinance within the Township. Such Officer shall meet minimum qualifications as established by the Department and abide by the following regulations:

(A) The Sewage Enforcement Officer shall not be in the business of installing individual or community sewage systems in Thompson Township.

(B) He shall not accept any fee for services or work performed in the administration of the Act other than the compensation set by Thompson Township.

(C) He shall not conduct a test or issue any permit for an individual or community sewage system for any lot in which he has a financial interest, or in which a relative by blood or marriage has a financial interest or in which his employer or his business partners (except the municipality) have a financial interest unless written permission has been obtained in advance from the Department.

(D) Before issuing a permit, he shall either observe, conduct personally, or otherwise confirm in a manner approved by the Department, all tests used to determine the suitability of a site for an individual or community sewage system.

(E) He shall give timely written notice to all applicants or permittees of any approval, denial, or revocation of a permit in accordance with the Departments Rules and Regulations. (Chapter 71).

V. PROCEDURES

(A) Applicants for permits to install sewage disposal systems shall be made on forms supplied by the Department and given to the Township Sewage Enforcement Officer who shall process the same in accord with the Department's Rules and Regulations.

(B) It shall be the responsibility of the applicant to have the site prepared for inspection including any digging of test pits or percolation test holes required by Chapter 73 of the Department's Rules and Regulations.

(C) The construction and installation of the sewage disposal system and the building which it serves shall be started within two years from the date of the permit. Permits older than two years shall not be valid.

(D) Except as otherwise provided by the Act or the Rules and Regulations of the Department, no part of the installation shall be covered until inspected by the Sewage Enforcement Officer.

(E) Any application for any individual or community sewage disposal system which either requires approval of the Department or is experimental shall receive the concurrence of the Department in writing prior to its issuance by the Sewage Enforcement Officer.

(F) No permits shall be issued for any lots, tracts, parcels or projects which, according to Department Rules and Regulations, require revisions or supplements to the Thompson Township Official Wastewater Facilities Plan unless and until such revisions or supplements have been approved by the Township Board of Supervisors and the Department. This shall include all land subdivisions and whenever a lot is used for a multiple-family dwelling or for commercial or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots as determined by sewage flows.

VI. ENGINEERING

All applicants whose systems require that the design and construction be supervised by a Professional Engineer, shall pay all costs directly to the engineer commissioned by such applicants.

VII. STANDARDS

Unless otherwise provided for herein the applicable standards shall be those set forth in the Regulations of the Commonwealth of Pennsylvania Department of Environmental Resources. The Township Board of Supervisors, however, may publish additional rules and regulations not inconsistent with the Department's Regulations including but not limited to supplemental standards for equipment and lateral connections to private collection systems. The Sewage Enforcement Officer is also hereby provided authority to increase the required isolation distances set forth in Section 73.13 of the Department Regulations in instances where because of lot design or local conditions, including but not limited to steep slopes, there exists a clear and direct threat to health and safety of the applicants or adjoining property owners/occupants. The SEO shall also have authority to require the testing of any mechanical equipment including but not limited to pressure testing of pressurized distribution systems.

VIII. COMMUNITY SYSTEMS

A community system is any subsurface wastewater disposal system which services two or more buildings or dwelling units. Such systems are subject to the same requirements of this Ordinance as individual subsurface wastewater disposal systems and, in addition, shall meet the following requirements:

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 any expenses incurred by the Township in the inspection or permitting of said system or other related costs unless the participants have agreed among themselves to otherwise share expenses.

3) Expenses incurred on the individual property of participants by the Township shall be assessed against the individual participant.

Prior to issuing a permit for any community sewage disposal system under this Ordinance and the authority of the Pennsylvania Sewage Facilities Act the Sewage Enforcement Officer shall be satisfied that said system shall be properly installed, guaranteed and maintained for such period of time as is necessary to determine that installation has been accomplished in the proper manner. In any case where the cost of installing a community sewage disposal system exceeds \$10,000 (as estimated by the Sewage Enforcement Officer) both a performance guarantee and maintenance bond shall be required, and approved by the Township Board of Supervisors prior to the issuance of the permit.

The performance guarantee shall be a surety bond issued by an insurance company or other surety company authorized to do business in Pennsylvania, certified check or other security satisfactory to the Township Board of Supervisors. The guarantee shall be payable to Thompson Township and be in an amount equal to 125% of the costs of installing said system as estimated by said Engineer. Such guarantee shall provide for and insure to the Township the full and proper completion of the system within a period of two years from the date of the permit.

When the system has been completely installed in conformance with these and other regulations of the Township and laws and regulations of the Commonwealth and the same have been inspected and certified as approved by the Township Engineer or Sewage Enforcement Officer the guarantee shall be released and returned. In the event the applicant does not install the system in accordance with these regulations, the guarantee is forfeited to the Township which shall use the proceeds for corrective work as shall be required.

A maintenance bond or other suitable security (including but not limited to the possible use of escrow arrangements or withholding of a portion of the construction guarantee) shall accompany a permit application for a community sewage disposal system the cost of construction of which exceeds \$10,000 (as estimated by the Sewage Enforcement Officer). Said maintenance shall be in a form approved by the Township Board of Supervisors, payable to the Township, to guarantee maintenance operation and repair of the system for three years after completion of construction.

In instances where the system use will not reach full capacity within a period of one year, however, the Township may require that such guarantee run until a period of two years shall have elapsed from the time full capacity is reached. The amount of said maintenance bond or security shall be determined by the Township Board of Supervisors but shall generally not exceed 10% of the estimated cost of the system.

After the expiration of three years from the date of construction completion, the Township shall release said maintenance bond or security, provided the system has been properly maintained and operated during the said three year period. In the event the system has not been so maintained and operated, the Township Board of Supervisors shall have the right to declare a forfeiture of a portion or all of the said maintenance bond or security, depending on the extent of the lack of maintenance and proper operation and to use the proceeds for such maintenance and corrective measures as shall be demanded.

Where a community system is to be dedicated to a property owners association (POA), however, the Township Board of Supervisors shall be satisfied that the POA has agreed to accept such dedication and possesses the administrative and financial ability to operate and maintain such system before any guarantee is released and rules and guidelines pertaining to such evaluations may be adopted by resolution.

Where the scope of work and circumstances warrant, the Township may appoint an inspector of professional qualifications to monitor the work in progress, the costs of which inspector shall be borne by the applicant.

IX. MALFUNCTIONS and REPAIRS

(A) No sewage system shall discharge untreated or partially-treated sewage to the surface of the ground or into the waters of the Commonwealth, except as specifically approved by the Department pursuant to Section 202 and Section 207 of the Clean Streams Law. Unauthorized discharges shall be deemed to constitute malfunctioning sewage disposal systems and, when so ordered in writing by the Township Sewage Enforcement Officer, an owner or operator of a malfunctioning sewage disposal system shall, within thirty days, attempt to correct such malfunction by taking measures which will achieve maximum practical compliance with the current standards of Chapter 73 of the Department's Rules and Regulations, including if necessary the reconstruction, upgrading or replacement of such systems.

(B) Where Chapter 73 standards cannot be met in the reconstruction of such a malfunctioning system due to inadequate land area, poor soils or other site characteristics, the Sewage Enforcement Officer may order use of water conservation devices, aerobic treatment tanks, septic tank modifications or other measures to reduce the effluent flow or otherwise control effluent characteristics and thereby reduce the hydraulic and/or organic loadings on the system.

(C) A malfunctioning sewage disposal system may be evidenced by discharge of effluent to the surface of the ground, bacteriological samples or dye tests which confirm pollution of wells or streams or the back-up of sewage to house sewers. The Township Sewage Enforcement Officer shall, subject to the requirements and authority of the Sewage Facilities Act the Township Code in response to written complaints regarding the function of sewage disposal systems by potentially affected persons or property owners, or with other evidence of nuisance to the public health based on criteria to be developed by Township Board of Supervisors as provided in Section E hereto; inspect the property and system for purposes of determining whether the system is malfunctioning. Prior to ordering specific action, which shall be given in the form of a notice of violation of this Ordinance, the Sewage Enforcement Officer shall, if possible, consider the following:

- (1) Type of system in use and when installed.
- (2) Last time treatment tank was cleaned
- (3) Frequency of malfunction
- (4) Conditions during system construction
- (5) Previous repairs
- (6) Years of use without malfunctions
- (7) Family size
- (8) Number of appliances
- (9) Daily flow pattern
- (10) Addition of excess flows to the system from drains
- (11) Abrupt increases in water consumption
- (12) Rainfall patterns and ground saturation

A plot plan shall be prepared indicating a layout of the lot and all surface features which may have caused or contributed to the malfunction including isolation distances to wells, streams, and the like. Soil survey information shall also be noted and analyzed. Before ordering other corrective action the Sewage Enforcement Officer shall require the cleaning of the septic tank to ascertain whether the problem stems from a lack of maintenance. Regular periodic pumping may also be ordered.

(D) Upon completion of the required measures to correct the malfunction, the Sewage Enforcement Officer shall make such inspections as are necessary to determine compliance with the Ordinance and specify a schedule for periodic follow-up inspections to determine whether the corrective action has cured the problem. At a minimum, one inspection shall be made within six months, and another within two years of the final inspection. Fees for these inspections and all other work by the Sewage Enforcement Officer in connection with malfunctions shall be established by resolution of Township Board of Supervisors and may be amended from time to time to accurately reflect administrative costs.

(E) The Township Board of Supervisors may also upon evidence of more than one malfunction in a particular vicinity, as defined by the boundaries of that soil type in the Suquehanna County Soil Survey or the Township's Official Wastewater Facilities Plan, and subject to the Township Code, order the inspection of all sewage disposal systems in the vicinity and/or require regular periodic inspections for purposes of identifying early and correcting malfunctions in these high-risk areas. Additional criteria for defining the extent of such high-risk areas or otherwise requiring inspections of systems may be set forth by resolution of the Township Board of Supervisors. A system owner may also request an increase in the frequency of inspections if the owner so desires subject to any reimbursement procedures which may be set forth by resolution of Board of Supervisors.

A copy of the inspection report shall be furnished to the owner of inspected system and shall contain; the date of inspection, name and address of the owner, a description and diagram of the location of the system including the location of the access hatches, risers, and markers, the size of the tank and disposal field, the number of users, any indications of system malfunction observed, the results of all soil and water tests, and required remedial action.

X. SYSTEM MAINTENANCE

The Board of Supervisors or its authorized agent may require septic tanks to be pumped out at appropriate intervals for proper operation of the system if it finds that the system has a history of malfunctioning, that the number of people using the system has increased or for other good cause.

Each time a septic tank or other subsurface wastewater disposal system is pumped out, the septage waste hauler shall provide to the owner (with a copy to the Township) a signed receipt containing the following information:

- 1) The date of pumping,
- 2) Name and address of the owner,
- 3) Address of the tank location if different from that of the owner,
- 4) Amount of septage or other solid or semi-solid material removed, and
- 5) Waste hauler's state license number permitting it to collect and haul septage in the Commonwealth of Pennsylvania.

The receipt shall be submitted to the Township to serve as proof of compliance with the pumping requirements contained herein.

All sludge or septage obtained by cleaning or pumping of subsurface sewage disposal systems shall be disposed of in a manner consistent with the requirements of Chapter 75 of the Department's Rules and Regulations.

XI. FEES

A filing fee shall be paid by check or money order to Thompson Township at such time as application is made for an individual or subsurface sewage disposal system, the repair of the same or other services are requested or directed to be provided to the owner of a system. Fees shall also be due whenever the Township Sewage Enforcement Officer is requested to provide other services on behalf of Thompson Township. Fees shall be established by resolution of the Township Board of Supervisors and may be adjusted from time to time. The funds obtained shall be used only to offset the expenses incident to the review of a permit application or other services provided pursuant to the Pennsylvania Sewage Facilities Act and this Ordinance. Fees, however, are not intended to cover the costs of any excavations or contractual work connected with the testing or construction of the system.

XII. EXCEPTIONS

All installations of subsurface sewage disposal systems must comply with the provisions of this Ordinance. There are no exceptions for rural residences as defined in the Sewage Facilities Act.

XIII. APPEALS AND HEARINGS

When the said application for permit is denied or revoked, the appeal procedure shall be as follows: -

A. Upon receipt by the applicant of a notice of denial or revocation of a permit, the Applicant may, within 30 days, request a hearing in writing before the Township Board of Supervisors which shall be held within fifteen (15) days from the date of denial or revocation.

B. Any party aggrieved by a decision of the Township Board of Supervisors may appeal to the Court of Common Pleas within thirty (30) days of the date of such decision. Notice of appeal shall be served on the Township Board of Supervisors, and proof of such service shall accompany the filing of the appeal.

XIV. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance be held invalid, the validity thereof shall not effect any of the other provisions of this Ordinance.

XV. VIOLATIONS and PENALTIES

Anyone installing a subsurface sewage disposal system in violation of any provision of this Ordinance shall be guilty of a summary offense and subject to a fine of not less than \$100.00 nor more than \$300.00 and costs per offense. Everyday in which said violator fails to comply with the provisions of this Ordinance shall constitute a new and separate offense.

XVI. REPEAL

The enactment of this Ordinance shall serve as a repeal of any other Ordinance inconsistent therewith.

XVII. EFFECTIVE DATE

This Ordinance shall be effective five (5) days from the date of adoption.

Thompson Township Board of Supervisors

Beverly Sheldon
Secretary

Carl Cottrell
Chairman

7/21/87