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SEWAGE FACILITIES ORDINANCE

ORDINANCE NO. _____

An Ordinance establishing procedures for issuing applications and permits in the Borough of Hop Bottom in the enforcement of the Pennsylvania Sewage Facilities Act of 1966 and amendments thereto.

Be it ordained and enacted by the Council of the Borough of Hop Bottom, Susquehanna County, Pennsylvania, as follows:

ARTICLE 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.

ARTICLE 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 system 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 Borough of Hop Bottom.

ARTICLE III

Definitions

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

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

ARTICLE IV

Sewage Enforcement Officer

The Hop Bottom Borough Council 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 Borough. 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 Hop Bottom

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A. The Sewage Enforcement Officer shall not be in the business of installing individual or community sewage systems in Hop Bottom

Borough.

B. He shall not accept any fee for services or work performed in the administration of the Act other than the compensation set by Hop Bottom Borough.

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 Department Rules and Regulations. (Chapter 71).

ARTICLE V

Procedures

A. Applicants for permits to install sewage disposal systems shall be made on forms supplied by the Department and given to the Borough Sewage Enforcement Officer who shall process the same in accordance 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 Hop Bottom Borough Official Wastewater Facilities Plan unless and until such revisions or supplements have been approved by the Borough Council 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. All proposals for two or more lots or equivalent dwelling units on alluvial soils or those slopes in excess of 25% grade as defined in the Borough Wastewater Facilities Plan shall be considered revisions to such Plan.

ARTICLE 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.

ARTICLE VII

Financial Guarantees for Community Sewage Systems

Prior to issuing a permit under this Ordinance and the authority of the Pennsylvania Sewage Facilities Act for any community sewage system, the Sewage Enforcement Officer shall be satisfied that said system shall be properly installed and maintained for such period of time as is necessary to determine that installation has been accomplished in the proper manner. Both a performance guarantee and maintenance bond shall be required, and approved by the Borough Council 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 Council. The guarantee shall be payable to Hop Bottom Borough and be in an amount equal to 125% of the costs of installing said system as estimated by the Borough Sewage Enforcement Officer. Such guarantee shall provide for and insure to the Borough 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 Borough and laws and regulations of the Commonwealth and the same have been inspected and certified as approved by the Borough 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 Borough which shall use the proceeds for corrective work as shall be required.

A maintenance bond or other suitable security shall accompany a permit application for a community sewage disposal system. Said maintenance shall be in a form approved by the Council, payable to the Borough, to guarantee maintenance operation and repair of the system for three years after completion of construction. The amount of said maintenance bond or security shall be determined by the Council but

shall generally not exceed 10% of the Borough Sewage Enforcement Officer's estimated cost of the system. After the expiration of three years from the date of construction completion, the Borough 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 Council 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 the scope of work and circumstances warrant, the Borough may appoint an inspector of professional qualifications to monitor the work in progress, the costs of which inspector shall be borne by the applicant.

ARTICLE VIII

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. Malfunctioning sewage disposal systems shall not be permitted and, when so ordered in writing by the Borough 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 Borough Sewage Enforcement Officer, subject to the requirements and authority of the Sewage Facilities Act and the Borough Code, and 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 Borough Council as provided in Section E hereto, shall 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, if

possible, shall 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. Use of chemicals to clean or improve system performance;
11. Addition of excess flows to the system from drains;
12. Abrupt increases in water consumption;
13. 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 Borough Council and may be amended from time to time to accurately reflect administrative costs.

E. Borough Council may also upon evidence of more than one malfunction in a particular vicinity, as defined by the boundaries of that soil type in the Susquehanna County Soil Survey or the Borough's Official Wastewater Facilities Plan, and subject to the Borough 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 extent of such high-risk areas or otherwise requiring inspections of systems may be set forth by resolution of the Borough Council.

ARTICLE IX

Septage

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 and Borough Council may, by resolution, establish requirements for registration of firms or persons engaged in such business for purposes of determining compliance with those Regulations.

ARTICLE X

Fees

A filing fee shall be paid by check or money order to Hop Bottom Borough at such time as application is made for an individual or subsurface sewage disposal system. Fees shall also be due whenever the Borough Sewage Enforcement Officer is requested to provide other services on behalf of Hop Bottom Borough. Fees shall be established by resolution of the Borough Council 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.

ARTICLE XI

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.

ARTICLE XII

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 Borough Council which shall be held within fifteen (15) days from the date of denial or revocation.

B. Any party aggrieved by a decision of the Borough Council 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 Borough Council, and proof of such service shall accompany the filing of the appeal.

ARTICLE XIII

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.

ARTICLE XIV

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. Every day in which said violator fails to comply with the provisions of this Ordinance shall constitute a new and separate offense.

ARTICLE XV

Repeal

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

ARTICLE XVI

Effective Date

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

Adopted this _____ day of _____, 1987 A.D.

President

Approved this _____ day of _____, 1987 A.D.

Mayor