

## **Chapter 18**

### **Sewers and Sewage Disposal**

#### **Part 1**

#### **On-Lot Sewage Disposal System Permits**

- §18-101. Short Title, Statutory Basis, Purpose
- §18-102. Permit Requirement
- §18-103. Enforcement

#### **Part 2**

#### **Holding Tanks**

- §18-201. Purpose
- §18-202. Definitions
- §18-203. Use of Holding Tanks
- §18-204. Application for Permit
- §18-205. Removal of Holding Tank
- §18-206. Requirement for Holding Tank
- §18-207. Inspections and Certificate of Pumping
- §18-208. Appeals
- §18-209. Fines and Penalties

#### **Part 3**

#### **Management of On-Lot Subsurface Sewage Disposal Facilities**

- §18-301. Title; Authority; Purpose
- §18-302. Definitions
- §18-303. Applicability
- §18-304. Permit Requirements
- §18-305. Replacement Areas
- §18-306. Inspections
- §18-307. Operation
- §18-308. Maintenance
- §18-309. System Rehabilitation
- §18-310. Township Action and Liens to Recover Costs
- §18-311. Disposal of Septage
- §18-312. Administration
- §18-313. Administrative Appeals
- §18-314. Enforcement



**Part 1****On-Lot Sewage Disposal System Permits****§18-101. Short Title, Statutory Basis, Purpose.**

1. This Part shall be known as the “Hepburn Township On-Lot Sewage Disposal System Permit Ordinance.”

2. This Part is adopted pursuant to §7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. §750.7(a)(1).

3. The purpose of this Part is to provide for the permitting of all on-lot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa.Code, Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by §7(a)(1) of the Act, 35 P.S. §7507(a)(1).

*(Ord. 1995-1, 11/7/1995, §1)*

**§18-102. Permit Requirement.**

1. From and after the effective date of this Part, all persons proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of §7(a)(1) of the Act, 35 P.S. §7507(a)(1), shall apply to the Township for a permit for the installation of such system.

2. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

*(Ord. 1995-1, 11/7/1995, §2)*

**§18-103. Enforcement.**

1. Any person violating any of the provisions of this Part shall be subject to the civil and criminal penalties authorized pursuant to §§13, 13.a and 13.b of the Act, 35 P.S. §§750.13, 750.13a, 750.13b, as amended.

2. Any person who shall violate any provision of §7 of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.7, or the rules, regulations, or standards promulgated thereunder, or who is the owner of a property on which a condition exists which constitutes a nuisance under this Part or who resists or interferes with any officer, agent or employee of a local agency or the department, in accordance with the provisions of this act, in the performance of his duties, shall be guilty of a summary offense. Upon conviction thereof, such person shall be sentenced to pay a fine of not less than \$500 and costs, and not more than \$5,000 and costs, or to imprisonment not to exceed 90 days, or both.

3. In addition to the penalties for noncompliance set forth in subsection .1 above, it is further provided that all of the civil and equitable remedies set forth in §§12, 14, and 15 of the Act, 35 P.S. §§750.12, 750.14 and 750.15, as amended, shall be applicable

to violations of this Part.

*(Ord. 1995-1, 11/7/1995, §3)*

**Part 2****Holding Tanks****§18-201. Purpose.**

This Part applies to existing as well as new holding tanks. The purpose of this Part is to provide for and regulate the use, maintenance, and removal of holding tanks to prevent the residents and inhabitants of the Township of Hepburn from danger and harm due to inadequate or malfunctioning on-site septic systems; to permit the development of lands with the use of holding tanks under carefully controlled and regulated circumstances; to regulate the use and maintenance of holding tanks in conformity with the law, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection; and to provide a temporary alternative to discontinuing otherwise lawful land use by the inhabitants and residents of the Township of Hepburn.

(*Ord. 94-7, 9/6/1994, §9.10; as amended by Ord. 8.5.2008, 8/5/2008*)

**§18-202. Definitions.**

*Act* - the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as, from time to time, amended.

*Board* - the Board of Supervisors of the Township.

*Department* - the Pennsylvania Department of Environmental Protection or its successor State agency. [*Ord. 8.5.2008*]

*Disposal site* - a suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such purposes by the Department.

*Holding 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 shall not include chemical toilets and privies (see 25 Pa.Code, §71.63(f)(2)).

*Holding tank cleaner* - a municipality, county, municipal authority, or person, natural or a legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.

*Landowner* - the natural person or persons, partnership, corporation, or legally existing organization who owns legal and equitable title to the land for which a holding tank permit is sought or issued.

*Lot* - a parcel of land under single ownership regardless of acreage. In the event the subject lands are a portion of a larger parcel of ground, the larger parcel of ground shall be considered as the "lot."

*Officer* - the duly appointed Sewage Enforcement Officer of the Township.

*Regulations* - the regulations of the Pennsylvania Department of Environmental Protection, 25 Pa.Code, Chapters 71 and 73, as adopted; and, all future regulations of the Department pertaining to holding tanks. [*Ord. 8.5.2008*]

*Sewage* - any substance that contains any of the waste products, excrement or other

discharge from the bodies of human beings or animals, and 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 Clean Streams Law, 35 P.S. §691.1 *et seq.*

*Township* - the Township of Hepburn, Lycoming County, Pennsylvania.

(*Ord. 94-7, 9/6/1994, §9.11; as amended by Ord. 8.5.2008, 8/5/2008*)

#### **§18-203. Use of Holding Tanks.**

Holding tanks may be used subject to the provisions of this Part to serve as temporary sewage disposal from existing structures, within the Township of Hepburn, where on-lot sewage disposal facilities are not feasible due to unsuitability of soils, if permitted by 25 Pa.Code, Chapter 71; for a temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage treatment system cannot be suitably repaired or replaced due to unsuitability of soils; or temporarily serve for sewage disposal for new construction in any area of the Township for which a revision to the Township's Official Sewage Facilities Plan has been approved by the Department.

(*Ord. 94-7, 9/6/1994, §9.12*)

#### **§18-204. Application for Permit.**

1. Any landowner seeking to use a holding tank for sewage disposal on any lot situated in the Township shall, after receipt of municipal and Department official sewage facilities plan approval, obtain a permit from the municipal Sewage Enforcement Officer.

2. Permit application shall be made upon a form to be supplied by the Township Secretary to any landowner upon such landowner's request.

3. The landowner shall file the completed and executed application for permit with the Township Secretary. The landowner shall pay to the Secretary such application fees as the Board may from time to time prescribe by resolution.

4. The landowner shall cooperate with the Township's officer at all stages of the application process.

5. A permit shall be issued to the landowner upon proper application after the Board has amended its Official Sewage Facilities Plan and after approval by the Department.

6. Prior to grant of permit, the landowner shall obtain and file with the Township Secretary a certified copy of each of the following documents:

A. A completed application.

B. A written contract between the landowner and a qualified and responsible holding tank cleaner for the term of the holding tank permit which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner; and, for the removal of the said contents to an approved disposal site for final disposition.

C. A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the

holding tank contents.

D. Fees as established by resolution of the Board.

E. An agreement to reimburse and indemnify the Township for any liability, costs and expenses which shall or may be incurred by the Township in actions to enforce compliance by the landowner, or to remove the contents of the holding tank or the holding tank upon default or failure of the landowner to perform, or for any fines incurred by the Township by reason of the landowner's failure to comply with this Part, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be in the form required by the Board.

*(Ord. 94-7, 9/6/1994, §9.13)*

**§18-205. Removal of Holding Tank.**

1. In the event a holding tank permit has been issued for new construction pending the installation of an off-site sewage disposal system, the landowner shall remove or cause the removal of the holding tank within 20 days after the use of the off-site sewage disposal system is made available to the landowner. The landowner shall connect with the off-site disposal system in the same time.

2. Township, at its election, shall have the right to enter upon the premises of a landowner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of this Part. "Township" as used herein shall mean the Township, its employees or third parties contracted by the Township for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the landowner.

*(Ord. 94-7, 9/6/1994, §9.14)*

**§18-206. Requirement for Holding Tank.**

1. Any holding tank installed or maintained pursuant to a permit issued under this Part shall comply, in all respects, to the specification set forth in regulations of the Department, 25 Pa.Code, Chapter 73, inclusive.

2. The landowner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in a good watertight condition at all times.

3. All holding tanks shall be installed on a firm and stable soil or subsoil; and in such manner as to prevent settlement or movement.

4. No holding tank or lines to the holding tank shall be covered until the Township's officer shall have first inspected and approved the installation and authorized covering the same. The landowner shall be responsible for furnishing the officer reasonable notice of the installation.

5. The landowner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level less than 75 percent of the tank capacity.

6. Holding tanks shall be installed at least 50 feet downgrade from any source of water supply.

*(Ord. 94-7, 9/6/1994, §9.15)*

**§18-207. Inspections and Certificate of Pumping.**

1. Any landowner who applies for and receives a permit for holding tanks shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by Sewage Enforcement Officer of the Township. At reasonable times during the hours of 8 a.m. until 8 p.m., the landowner would grant the Sewage Enforcement Officer access to the premises for the purpose of making such inspections upon request of the Sewage Enforcement Officer verbally or in writing.

2. The Township will conduct an annual inspection and maintain an annual report.

3. Any landowner receiving a holding tank permit shall furnish to the Township a true and corrected copy of all pumping receipts for cleaning or removing the contents of the holding tanks. Such reports shall be made to the Township's Secretary within 10 days after the contents of the holding tank are pumped out.

4. The Township will retain the pumping receipts it obtains.

5. The failure of a landowner to permit inspection of holding tanks or equipment or facilities used in connection with the holding tanks; or the failure of the landowner to have the holding tanks properly maintained and pumped out; or the failure of the landowner to furnish pumping receipts to the Township in a timely fashion, shall be grounds for immediate revocation of permit.

(*Ord. 94-7, 9/6/1994, §9.16*)

**§18-208. Appeals.**

1. Any landowner aggrieved by denial of permit application shall first appeal to the Board.

2. The procedure for appeal shall, in all respects, conform to the procedure for appeal from denial of sewage permit by the officer of the Township, as provided by law.

(*Ord. 94-7, 9/6/1994, §9.17*)

**§18-209. Fines and Penalties.**

Any person, firm, or corporation violating any of the provisions of this Part, or who fails to act in compliance with this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, or such higher amount as may exist from time to time, as the maximum fine may be allowed pursuant to the Pennsylvania Sewage Facilities Act, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 94-7, 9/6/1994, §9.18; as amended by Ord. 8.5.2008, 8/5/2008*)

**Part 3****Management of On-Lot Subsurface Sewage Disposal Facilities****§18-301. Title; Authority; Purpose.**

1. This Part shall be known and may be cited as the Hepburn Township "Management of On-Lot Subsurface Sewage Disposal Facilities Ordinance."

2. As mandated by the municipal codes, the Clean Stream Law (Act of June 22, 1937, P.L. 1987 and related acts and amendments thereto, 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"), municipalities have the power and the duty 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 Hepburn 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.

3. The purpose of this Part is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

(Ord. 94-6, 7/5/1994, §9.71)

**§18-302. Definitions.**

*Act 537* - the Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.*, known as the "Pennsylvania Sewage Facilities Act."

*Authorized agent* - any person who is delegated by the Municipality to function within specified limits as the agent of the Municipality to carry out the provisions of this Part. This term shall include, but not be limited to, the Municipality's Sewage Enforcement Officer, Zoning Officer or an agency delegated to perform the function of a sewage enforcement officer or carry out the powers as duties of the Municipality under this Part.

*Board* - the Board of Supervisors, Hepburn Township, Lycoming County, Pennsylvania.

*Board of review* - the panel to hear, review and issue decisions on appeal from determinations or decisions of the Municipality or its authorized agent under this Part.

*Codes Enforcement Officer (CEO)* - an individual employed by the Municipality to administer and enforce this and other ordinances and codes in the Municipality.

*Community sewage system* - any system, whether publicly or privately owned, for the collection of sewage from two or more lots or structures, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

*Department* - the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP). [Ord. 8.5.2008]

*Individual sewage system* - a system of piping, tanks or other facilities serving a single lot or structure and collecting and/or disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

*Malfunction* - the condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, back-up into the building connected to the system or otherwise causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. 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.

*Municipality* - Hepburn Township, Lycoming County, Pennsylvania.

*Official Sewage Facilities Plan* - a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Municipality and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.* [Ord. 8.5.2008]

*On-lot sewage disposal system* - any system for collection and/or disposal of sewage, and/or subsequent disposal of the clarified sewage, into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.

*Owner* - the legal or equitable owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if the lessee is authorized under the lease to exercise the rights of the owner, or other person having a proprietary interest in land which is served by or is required to be served by an on-lot sewage disposal system.

*Person* - any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or 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, fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

*Pumper/hauler* - any person which engages in cleaning community or individual sewage systems and/or transports the septage cleaned from these systems.

*Rehabilitate* - the modification, alteration, repair, enlargement or replacement of an existing on-lot sewage system.

*Rehabilitation* - the work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

*Replacement area* - a portion of a lot or a developed property, sized to allow the installation of a subsurface sewage disposal area, which is reserved to allow that installation in the event of the malfunction of the originally installed on-lot sewage disposal system.

*Septage* - the residual scum and sludge pumped from septic systems.

*Septic tank* - any on-lot sewage disposal system that primarily relies on collection, rather than clarification and further disposal, of sewage.

*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 of which constitutes pollution under the Act of June 22, 1937, (P.L. 1987, No. 394), known as the "Clean Streams Law," as amended.

*Sewage Enforcement Officer (SEO)* - the official of the Municipality who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

*Sewage management district* - any area or areas of a Municipality for which a sewage management program is recommended by the Municipality's adopted Act 537 Official Sewage Facilities Plan. The sewage management district of Hepburn Township encompasses the entire Municipality.

*Sewage management program* - a comprehensive set of legal and administrative requirements encompassing the requirements of this Part and other administrative requirements adopted by the Municipality to effectively enforce and administer this Part.

*Sewage system certification form* - a form provided by the Municipality to be completed by the pumper/hauler which provides certification to the Township of septic system pumping, cleaning and certain repairs.

*Subdivision* - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for any purpose, whether immediate or future including, but not limited to, lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

*Zoning Officer* - an individual employed by the Municipality to administer and enforce the Township Zoning Ordinance [Chapter 27].

(Ord. 94-6, 7/5/1994, §9.72; as amended by Ord. 8.5.2008, 8/5/2008)

### **§18-303. Applicability.**

1. From the effective date of this Part, its provisions shall apply throughout the Municipality. The provisions of this Part shall apply to all persons owning or occupying any property serviced or required to be serviced by an on-lot sewage disposal system and to all persons constructing, installing, cleaning, maintaining or rehabilitating on-lot sewage disposal systems.

2. Any owner or occupant of a property served or required to be served by an on-lot sewage disposal system shall be subject to the duties and obligations of this Part and, if more than one, each shall be severally and jointly responsible to comply with the terms hereof; provided, that no personal enforcement action may be taken against any person to whom no notice is given; provided, further, that the giving of notice to the owner as indicated in the current deed of record for the property personally or by mail addressed either to the property or to the owner's address as indicated in the Tax Assessment Office records of Lycoming County, Pennsylvania, shall be regarded as sufficient notice and allow the enforcement of this Part against the property and the

persons to whom such notice is given.

(*Ord. 94-6, 7/5/1994, §9.73*)

**§18-304. Permit Requirements.**

1. No person shall install, repair, alter, construct or rehabilitate nor request bid proposals for the installation, construction, or rehabilitation, alteration of an individual sewage system or community sewage nor construct or request bid proposals for construction, nor install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and all other applicable laws and the standards adopted pursuant to such Act.

2. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the Sewage Enforcement Officer.

3. The Municipality requires applicants for sewage permits to notify the Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so the inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Sewage Enforcement Officer.

4. No building or zoning permit shall be issued by the Municipality or its Zoning Officer or building official for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Sewage Enforcement Officer.

5. No building or zoning permit shall be issued and no work shall begin on any addition, alteration or conversion of any existing structure, if said addition, alteration or conversion will result in the increase or potential increase of sewage flows from the structure, until the Municipality's Zoning Officer and the structure's owner receive from the Municipality's Sewage Enforcement Officer either a permit for alteration, rehabilitation or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The Municipality's authorized agent shall determine whether the proposed addition, alteration or conversion of the structure will result in increased sewage flows.

6. No occupancy permit shall be issued by the Municipality, its Zoning Officer or building official for the occupancy of any new building, addition, alteration or the change of use of any building, addition or alteration until the Sewage Enforcement Officer has informed the Municipality or said official that the existing sewage system or newly constructed sewage system is complete, operating and has had final inspection or that no such certification is necessary.

7. Sewage permits may be issued only by the Municipality's Sewage Enforcement Officer.

8. No contractor may proceed to install, construct, rehabilitate or alter a system without verifying that the property owner has complied with this Section of this Part.

(*Ord. 94-6, 7/5/1994, §9.74*)

**§18-305. Replacement Areas.**

1. Any revision to the Municipality's Official Sewage Facilities Plan which is prepared pursuant to the applicable regulations of the Pennsylvania Department of Environmental Protection for subdivision or development of land within an identified sewage management district or any Township building, subdivision ordinance, etc., shall provide for the testing, identification and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage disposal system. This requirement is in addition to the testing, identification and reservation of an area for the primary sewage disposal system. This requirement will not apply when the entire development is to be served by public sanitary sewers. [*Ord. 8.5.2008*]

2. No permit shall be issued for any proposed new on-lot sewage disposal system on any newly created or subdivided property in any sewage management district unless and until a replacement area is tested, approved and reserved. All subdivision plans must show the location of primary and replacement on-lot sewage disposal systems for each lot.

(*Ord. 94-6, 7/5/1994, §9.75; as amended by Ord. 8.5.2008, 8/5/2008*)

**§18-306. Inspections.**

1. Any on-lot sewage disposal system may be inspected by the Municipality's authorized agent at any reasonable time as of the effective date of this Part.

2. The inspection may, but need not, include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources; the sampling of the contents of the 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 waste water generated in the structure.

3. The Municipality's authorized agent shall have the right to enter upon land for the purposes of inspection described herein.

4. An inspection may be conducted by the Municipality's authorized agent after the effective date of this Part for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the municipal records.

5. All properties in the Municipality shall be initially inspected in accordance with the schedule established in §18-308. Thereafter, each property shall be reinspected at least once every 3 years unless another schedule of routine inspections is hereafter established by the Municipality by resolution, as may be necessary to assure the proper function of the systems in the sewage management district.

6. The Municipality's authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the Municipality and its authorized agent shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the authorized agent, then action by the property owner to mitigate the malfunction shall be required.

7. There may arise geographic areas within the Municipality where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide

problems may necessitate detailed planning and municipally sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Municipality, pending the outcome of the plan revision process. However, the Municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials, represents a serious public health or environmental threat.

(Ord. 94-6, 7/5/1994, §9.76)

**§18-307. Operation.**

1. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.
- C. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface, or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.

2. The Municipality's authorized agent may require installation of water conservation devices and other methods to improve system operation.

(Ord. 94-6, 7/5/1994, §9.77)

**§18-308. Maintenance.**

1. Any person owning a property or a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a licensed pumper/hauler. The initial pump out shall take place no later than the time frame outlined below by geographic area unless all or a portion of such area is subject to the provisions of §18-306.7:

**Within Months of Ordinance**

<b>Effective Date</b>	<b>Area</b>
Group 1 - 12 Months	All properties on Lycoming Creek Road North to Tempo Village, but not including Tempo Village; All properties West of Lycoming Creek Road; All properties in Highland Estates, Hepburn Heights, Corson Development
Group 2 - 24 Months	All properties on Route 973 East; All properties South of 973 East and on Brucklacher and Klump Roads
Group 3 - 36 Months	All Properties North of Route 973 East that were not described in Groups 1 and 2

A map<sup>1</sup> is made part of this Part delineating each of the above areas. The authorized agent shall make the determination of whether an on-lot sewage disposal system contains a septic tank, subject only to appeal of the agent's determination as outlined further in this Part.

2. Following the initial pump out every such person shall have the septic tank pumped: at least once every 3 years; whenever an inspection reveals the treatment tanks are filled with solids in excess of one-third of the liquid depth of the tank or with scum in excess of one-third of the liquid depth of the tank; whenever otherwise required by applicable regulations of the Department.

3. A sewage system certification form from the pumper/hauler shall be submitted to the Municipality within 7 days after each pump out.

4. Any tank pumping shall include an inspection of the baffles within the septic tank. The certification of the pumper/hauler shall include a statement as to whether or not the baffles are in good working order. If the baffles are not in good working order, the pumper/hauler is responsible to immediately notify the owner of the sewage disposal system and such owner shall be responsible to cause the baffles to be rehabilitated so as to be in good working order, which may include replacement with sanitary tees. No permit shall be required to do the work necessary to put the baffles in good working order or to replace them but the certification shall include a statement of the corrective work that was performed.

5. The required pumping frequency may be increased at the discretion of the Municipality's authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

6. If any person can prove that their septic tank was pumped in accordance with the standards of this Section within 3 years of the effective date of this Part, then the Municipality may delay that person's initial required pumping to conform to the general 3-year frequency requirement.

7. Any person owning a property or an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the pumping intervals for aerobic treatment tanks exceed those required for septic tanks. Such persons shall maintain the aerobic system as required by the manufacturer's operation manual. A sewage system certification form from the pumper/hauler or other person servicing such system verifying that the system has been inspected and has been found to be operating correctly and is being maintained in accordance with the manufacturer's recommendations shall be submitted to the Municipality within 6 months of the effective date of this Part. Thereafter, such certification shall be submitted when such system is serviced, in accordance with the manufacturer's recommendations, in compliance with subsection .2 of this Section. The Municipality's authorized agent may require a copy of the manufacturer's maintenance and operation recommendation or manual to be filed with the Municipality. The authorized agent shall make the determination of whether or not the on-lot sewage disposal system contains an aerobic

---

<sup>1</sup>Editor's Note: The map is on file in the Township's office.

treatment tank, subject only to appeal of the agent's determination by appeal as outlined in this Part.

8. Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval. The authorized agent shall make the determination of whether or not the on-lot sewage disposal system contains a cesspool or drywell, subject only to the appeal of the agent's determination by appeal as outlined in this Part.

9. Any system pumping shall include an inspection of the sidewalls of the cesspool or dry well. If the sides are in need of cleaning the pumper/hauler is responsible to do this work.

10. The Municipality's authorized agent may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstruction roots or trees, the diversion of surface water away from the disposal area, etc.

11. The Municipality shall issue a written notice of violation to any person who is the owner of property in the Municipality if the Municipality has not received a sewage system certification form proving that they have had their septic tank, cesspool or dry well pumped within the time limits as specified in this Part.

12. Within 30 days of notification by the Municipality that a septic tank, cesspool or drywell has not been pumped within the time limits set by this Part, the owner shall have said septic tank, cesspool or drywell pumped and pumper/hauler shall provide the Municipality with a sewage system certification form showing that it has been pumped. (*Ord. 94-6, 7/5/1994, §9.78*)

#### **§18-309. System Rehabilitation.**

1. All sewage generated on any property in the Municipality including, without limitation, all liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to an on-lot sewage disposal system.

2. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions.

3. 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 to discharge has been obtained from the Pennsylvania Department of Environmental Protection. [*Ord. 8.5.2008*]

4. The Municipality shall issue a written enforcement notice, in the form prescribed in §18-314, of violation to any person who is the owner of a property in the Municipality which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit or which does not otherwise comply with this Part.

5. Within 30 days of notification by the Municipality that a violation or a

malfunction has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to correct the violation or rehabilitate the malfunctioning system. Within 60 days of initial notification by the Municipality, the necessary construction or rehabilitation shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Municipality shall set an extended completion date which shall not exceed the time reasonably necessary to complete the construction or rehabilitation under the prevailing seasonal or unique conditions.

6. The Municipality's authorized agent may specify the repair required, and 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, additional capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, connection to central collection system, or other alternatives as appropriate for the specific site.

7. In lieu of, or in combination with, the remedies described in subsection .4 of this Section, the Municipality's authorized agent may require the installation of water conservation equipment and the institution of water conservation practices in structures or on the property served by the sewage disposal system that is malfunctioning or that does not conform to the requirements of this Part. The authorized agent may also require that waste water generation in the structure be reduced by requiring changes in water usage patterns in the structure served, such as: retrofitting or replacing water using devices and appliances in the structure with water saving appurtenances, devices or appliances; requiring that the use of laundry facilities be limited to one load per day or discontinued altogether. If necessary to avoid the effects of a major malfunction and if recommended by the Department, the owner may be required to stop the generation of all types of sewage on the property until the violation is corrected or the rehabilitation constructed.

8. In the event that the rehabilitation measures in subsections .1 through .5 of this Section are not feasible or do not prove effective, the Municipality may require the owner to apply to the Pennsylvania Department of Environmental Protection for a permit to install an individual spray irrigation treatment system or a single residence treatment and discharge system. Upon receipt of said permit, the owner shall complete construction of the system within 60 days, unless seasonal or unique conditions mandate a longer period. The Municipality shall determine the construction period in this case. [*Ord. 8.5.2008*]

9. Should none of the remedies described in this section prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it determines is necessary. This may include a requirement to connect to a community system regardless of distance to such system.

10. In areas that have been designated by the Municipality for future service by sanitary sewer lines, the Municipality's authorized agent may design a program of interim remedial actions to be implemented until sanitary sewer is available to the

affected property.

(*Ord. 94-6, 7/5/1994, §9.79; as amended by Ord. 8.5.2008, 8/5/2008*)

**§18-310. Township Action and Liens to Recover Costs.**

The Municipality, upon written notice from the Municipality's authorized agent, that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the Municipality's authorized agent. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore and the costs of such work recovered in accordance with the law relating to municipal liens, or as otherwise permitted under other applicable laws.

(*Ord. 94-6, 7/5/1994, §9.80*)

**§18-311. Disposal of Septage.**

1. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection. Approved sites or facilities shall include the following: septage treatment facilities, waste water treatment plants, composting sites, and approved farm lands. [*Ord. 8.5.2008*]

2. Septage pumper/haulers operating within the municipal sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act of July 1980, P.L. 380, No. 97, 35 P.S. §§6018.101–6018.1003).

3. All pumper/haulers must obtain a license from the Municipality to pump septage within or from the Municipality.

4. The Municipality shall establish rules and regulations for the licensing procedure and shall set fees for the licensing by way of resolution.

(*Ord. 94-6, 7/5/1994, §9.81; as amended by Ord. 8.5.2008, 8/5/2008*)

**§18-312. Administration.**

1. The Municipality shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

2. The Municipality may employ qualified individuals to carry out the provisions of this Part. Those employees may include a certified sewage enforcement officer and may include a codes enforcement officer, professional engineer, plumbing inspector, secretary, administrator or other persons as required. The Municipality may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.

3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the Township shall become the property of the Municipality. Existing and future records shall be available for public inspection. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Municipality's sewage management program shall be made available, upon request, for inspection by

representatives of the Pennsylvania Department of Environmental Protection. [*Ord. 8.5.2008*]

4. The Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

5. The Supervisors may establish a fee schedule by resolution and subsequently collect fees by any appropriate method including the use of municipal liens to cover the cost to the Municipality of administering this program. The Supervisor may, but need not, establish a schedule of fees based on different categories of inspections. [*Ord. 8.5.2008*]

6. Any failure to perform in timely fashion an act lawfully directed to be performed by the municipality or its authorized agent pursuant to this Part shall be deemed a violation of this Part.

(*Ord. 94-6, 7/5/1994, §9.82; as amended by Ord. 8.5.2008, 8/5/2008*)

### **§18-313. Administrative Appeals.**

1. Appeals from the determination of the Municipality or its authorized agents under this Part may and shall be made to the Board of Review. Such appeals shall be in writing, addressed to Board of Review at the Township's business office and shall be filed within 30 days of the date of determination appealed from. The Board of Review may affirm, deny, or modify the determination of the Municipality as its authorized agent.

2. The Board of Review shall initially be constituted of and be the Board of Supervisors of the Township. By future resolution the Township Supervisors may appoint a separate municipal body to act as the Board of Review and upon so doing the Board of Review shall consist of three members and an alternate, appointed by the Hepburn Township Board of Supervisors (referred to collectively as the "appointed board"). The appointment shall be for a 3-year term expiring the first Monday in January in the appropriate year, one to expire each year. Original Board of Review members shall draw lots to determine seniority. One member's term expiring each year for the first 3 years. The original alternate's term shall expire the second year after his appointment. The alternate shall have the same powers as other members when substituting for a regular member. As an alternate to the Board of Review function being performed under this Part either by the Supervisors or the appointed Board, the Supervisors may by resolution designate the Lycoming County Sanitary Committee to act and function as the Board of Review or in its place to handle administrative appeals under the rules and procedures as may be established by the Lycoming County Sanitary Committee.

3. *Hearings.* The Board of Review shall conduct hearings and make decisions in accordance with the following requirements:

A. Written notice shall be given to the appellant, the authorized agent, the Township Secretary, such other persons as the Municipality shall designate by ordinance or resolution, to any person who has made timely request for the same and to any other persons as the Board of Review shall determine. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Review, but shall not give less than 15 days notice of the said hearing.

B. The Municipality may by resolution prescribe reasonable fees with respect

to hearings before the Board of Review. Fees for such hearings may include compensation for the Secretary and members of the Board of Review, notice and advertising costs and necessary administrative overhead connected with the hearing. The cost, however, shall not include legal expenses of the Board of Review, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The hearing shall be held within 60 days from the date of the appellant's request, unless the appellant has agreed, in writing, to the extension of time.

D. The hearing shall be conducted by the Board of Review, which may include an alternate. Two members shall constitute a quorum. In the event of a tie vote the decision or determination appealed from shall be deemed sustained.

E. The decision of the Board of Review shall be made in writing within 30 days of the termination of the hearing and shall be communicated by first class mail to the appellant and any other parties who have appeared at the addresses set forth by them.

F. The parties to the hearing shall be the Municipality, the appellant, any person affected by the appeal who has made timely appearance of record before the Board of Review and any other person including civic, community or state organizations permitted to appear by the Board of Review. The Board of Review shall have the power to require that all persons who wish to be considered parties enter appearance in writing.

G. The Chairman or acting Chairman of the Board of Review or presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of the witnesses and the production of relevant document and papers, including witnesses and documents requested by the parties.

H. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

I. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

J. It is not necessary for the Board of Review to keep a stenographic record of the proceedings, however, any party desiring to keep a stenographic record will be allowed to do so at their expense. Said stenographic record to be compiled by a properly recognized stenographer. Any parties ordering stenographic records shall pay their own costs.

K. Except as otherwise set forth herein, the Pennsylvania Local Agency Law, (Act of December 2, 1968, P.L. 1133, No. 335, as re-enacted and amended, 2 Pa.C.S. Subchapter B of Chapter 5 and Subchapter B of Chapter 7), shall apply to the conduct of hearings before the Board of Review and any subsequent appeal from the decision of the Board of Review.

(Ord. 94-6, 7/5/1994, §9.83)

#### **§18-314. Enforcement.**

1. *Enforcement Notice.* If it appears to the Municipality or its authorized agent that a violation of this Part has occurred or that there is some act to be done by an

owner, the Municipality or its authorized agent shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the property on which the violation has occurred and any other person against whom personal action is to be taken and may be given, to any person known to be an occupant thereof, to any person who has filed a written request to receive enforcement notices regarding that property, or to any one other person requested in writing by the owner of record.

3. The enforcement notice shall state at least the following:

A. The name of the owner of record or any other person against whom the Municipality intends to take action.

B. The location of the property involved.

C. The specific violation or act to be performed, with the description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Board of Review within a prescribed period of time in accordance with the procedures set forth in this Part.

F. That failure to comply within that time specified, unless extended by appeal to the Board of Review, constitutes a violation with possible sanctions clearly described.

4. *Jurisdiction.* Magisterial district judge shall have initial jurisdiction over proceedings brought for enforcement of this Part.

5. *Enforcement Remedies.* Any person, who has violated or permitted the violation of any provisions of this Part, shall, upon being found liable therefore in civil enforcement proceeding commenced by the Municipality or its authorized agent, pay judgment of not more than \$500 as determined by the magisterial district judge, plus all court costs including reasonable attorney's fees incurred by the Municipality and/or authorized agent as a result thereof. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the notice of a violation by the officer or, if such notice is appealed, the fifth day following the date of the Board's affirmance of the officer's determination of violation and thereafter each day of the violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Part shall be paid over to the Municipality. [Ord. 8.5.2008]

(Ord. 94-6, 7/5/1994, §9.84; as amended by Ord. 8.5.2008, 8/5/2008)

