

**ORDINANCE NO: 2010-1**

**AN ORDINANCE CREATING ON-SITE  
SANITARY MANAGEMENT DISTRICT IN  
PENN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA**

**TO MAKE SEWERAGE PERMIT A CONDITION PRECEDENT TO  
ISSUANCE OF BUILDING PERMIT OR ZONING PERMIT**

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**BE IT ORDAINED** by the **BOARD OF SUPERVISORS OF PENN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA** as follows:

**Section 1: Purpose.**

Septic tanks, subsurface waste disposal systems and/or alternative systems may be used as a means of sanitary waste in PENN TOWNSHIP. These systems are an adequate and beneficial system of domestic waste disposal if properly installed, operated and maintained and are an economically feasible alternative to costly sanitary sewer systems. However, they may constitute a problem in the Township because of the following reasons:

- A. Poor site evaluation;
- B. Inadequate design;
- C. Poor construction;
- D. Hydraulic overloading; and
- E. Lack of maintenance which may result in the following:
  - 1. Ground and surface water pollution;
  - 2. Foul odors;
  - 3. Wall contamination, etc;
  - 4. Nuisance problems; and
  - 5. Hazards to public health.

The Penn Township Act 537 Sewage Facilities Plan has identified several areas of the Township in which patterns of malfunctions in on-site sewage disposal systems have occurred or are likely to occur. This Ordinance establishes an On-Site Sewage Management District, encompassing those portions of the Township in which special measures are deemed necessary to prevent and eliminate on-site sewage disposal system malfunctions and to alleviate the harmful effects of such malfunctions for the purpose of regulating the installation, inspection, maintenance, operation, rehabilitation and replacement of existing and future subsurface waste disposal systems and/or alternative systems; and setting forth charges and fees for such services, pursuant to statutory authority of PENN TOWNSHIP.

**Section 2: Definitions.**

- A. Alteration: The repair, modification, or replacement of any component of a subsurface waste disposal system and/or alternative system.

B. Authorized Agent: A licensed Sewage Enforcement Officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within specified limits as the agent of PENN TOWNSHIP to carry out the provisions of this Ordinance. The term “Authorized Agent” may include any municipal authority created by the Township or under contract with the Township.

C. Sewerage Permit: Proof or evidence that the proposed subsurface waste disposal system and/or alternative system for a realty improvement is in compliance with “Chapter 73, Standards of Sewage Disposal Facilities” of “Title 25, Rules and Regulations”, Department of Environmental Resources and/or any Ordinance of this Township regulation subsurface waste disposal and/or alternative systems.

D. Management District or District: The Management District shall encompass those portions of the Township designated as “On-Lot Management District” on Exhibit XI, Penn Township Act 537, Sewage Facilities Plan Revision and Update, dated September 4, 1981, together with such additional areas of the Township as may be so designated in future additions or revisions to the PENN TOWNSHIP Act 537 Sewage Facilities plan.

The Management District shall not include any property served by a community sanitary sewage system, or for which such service is available.

E. Subsurface waste disposal system: A system for the disposal of domestic wastewaters operating below ground level and located on or near the site of the building or buildings being served by the system. (e.g. septic tank or aerobic unit with discharge effluent flowing to drainage field, sand mound or an evapo-transpiration bed.) The term “Subsurface Waste Disposal System” shall also include a holding tank.

F. Alternative System: A system for the disposal of domestic wastewaters not operating below ground level, but located on or near the site of the building or buildings being served. (e.g. Composting toilets, grey water recycle systems, incinerating toilets, spray irrigation and black water recycle systems, etc.)

G. Sewage Enforcement Officer: A person authorized by the Pennsylvania Department of Environmental Resources as per “Chapter 71, Administration of Sewage Facilities Program” of “Title 25, Rules and Regulations”; to perform percolation tests, site and soil evaluations, and issue Sewerage Permits for on-lot disposal.

H. Code Enforcement Officer: A person authorized by the Township to issue Zoning Permits, Building Permits and Permits to occupy a building or structure within the Township.

All other definitions or words and terms used in this ordinance shall have the same meanings as set forth in “Chapter 73, Standards for Sewage Disposal Facilities” of “Title 25, Rules and Regulations, Department of Environmental Resources”.

**Section 3: Effective Date.**

The effective date of this Ordinance is five days following its enactment.

**Section 4: Applicability.**

A. The owner of any building serviced by a subsurface waste disposal system and/or alternative system within the Management District shall be a member of the Management District subject to all of the requirements contained herein.

B. Owner is defined to include a natural person, corporation, or partnership. If the owner does not live in said building, she/he/it remains responsible for complying with this Ordinance. Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and lessee or resident. The Township will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility for compliance shall revert back to the owner even though a valid agreement with the lessee or resident continues to exist.

C. Upon transfer of responsibility for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior inspections and pumping of the system.

**Section 5: Small Community Systems.**

A. A small community system is any subsurface water disposal system and/or alternative system which services two or more buildings on different sites.

B. Privately owned small community systems are subject to the same requirements of this Ordinance as individual subsurface waste disposal systems and/or alternative systems. In addition, the following shall be applicable to small community systems:

1. A list of the names and addresses of all participants in the small community system shall be provided to the Township or its authorized agent; and

2. Participants shall be equally liable for expenses incurred by the Township or its authorized agent on the shared component of the community system unless they have decided among themselves to assume unequal burdens of responsibility for the system, in which case the installation, operation, and maintenance of the subsurface waste disposal system and/or alternative system, and a copy of an abstract of pertinent information and regulations as regulated by this Ordinance and distributed by the Management District.

C. Upon transfer of responsibility for compliance in accordance with the above requirements, all references to “owner” in this Ordinance shall hereinafter refer to the lessee or resident of the building.

D. Any owner of improved property located in PENN TOWNSHIP, but which is not within the Management District may become a member of the Management District by executing a contract with the Township or its authorized agent whereby said property owner agrees to abide by and be subject to all of the Rules and Regulations governing members of the District. The minimum duration of any such contract shall be six (6) years.

E. The owner of a subsurface waste disposal system and/or alternative system who fails to become a member of the Management District remains responsible for compliance with all local and state laws prohibiting pollution of surface and ground waters and potable water supplies, nuisances, health hazards, and violation of the conditions of a Sewerage Permit issued by the Sewage Enforcement Officer prior to the enactment of this Ordinance.

Township shall assess expenses incurred accordingly; and

Expenses incurred on the individual property of participants by the Township or its authorized agent shall be assessed against the individual participant.

F. Participants in a small community system shall be assessed directly for expenses incurred by the Township or its authorized agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization. The Township may own and operate small community systems. It may build such systems from funds obtained from governmental sources or private parties, or it may accept as a gift a completed system if it includes the right of entry to, the system or grants an easement to the property whether presently

in use or prior to use. Acceptance of such a gift shall be contingent on obtaining from participants in the system the agreement to become members of the District.

**Section 6: Inspection.**

A. All subsurface waste disposal systems and/or alternative systems located within the Management District shall be inspected by the Township or its authorized agent when pumped out to determine whether or not the system is operating properly. Such inspection may occur in different months of each inspection year and shall include inspection of the septic tank, aerobic tank, disposal field, distribution box and any other component of the system. Inspection may include sampling of soils in and around the disposal field, surface water on or adjacent to the property, and groundwater from active or inactive wells used for potable water supply or from monitoring wells in and around the disposal field.

B. The Township may increase the frequency of inspection if the system is presently malfunctioning, if a regular inspection reveals a malfunctioning system, if the system has malfunctioned in the past, if tank pump-out is required less than every four (4) years pursuant to Section 7, if seasonal use will significantly increase use of the system, if the number of people using the system increases, and for other good cause shown. A system owner may appeal for an increase in the frequency of inspection through the administrative appeal process detailed in Section 16.

C. A subsurface waste disposal system and/or alternative system is malfunctioning when it causes pollution of ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or a hazard to the public health. Indications of a malfunctioning system may include, but are not limited to, foul odors, lush grass growing over the system, back-up of wastewater into the attached building, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

D. A copy of the inspection report shall be furnished to the owner and shall contain the date of inspection, name and address of system owner, a description and diagram of the location of the system including the location of 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.

E. All subsurface waste disposal systems and/or alternative systems which are installed or rehabilitated within the Management District after the effective date of this Ordinance shall be built with;

1. A marker or markers at ground level locating the subsurface waste disposal tank and any other components of the system which require periodic inspection and maintenance; and
2. A riser and access hatch so constructed as to enable easy access to the waste disposal tank, to prevent odors from escaping and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance in the drainage fields shall be provided via four (4) inch vertical non-perforated PVC pipes connected directly to the drain tile at a minimum of three (3) locations in the drainage field. If not installed by the Township or its authorized agent, such installation shall be subject to Township approval.

**Section 7. Installation and Maintenance of Systems.**

A. Sewerage Permits in compliance with “Chapter 73, Standards for Sewage Disposal Facilities” of “Title 25, Rules and Regulations, Department of Environmental Resources” and/or any Ordinance of this Township regulating the design, installation and alteration of subsurface waste disposal systems and/or alternative systems, shall be issued by the Sewage Enforcement Officer in connection with the Management District. The Township shall retain final authority for the conditions and issuance of Sewerage Permits. Sewerage Permits shall incorporate, at a minimum, all the requirements of this Ordinance relating to inspection, maintenance, operation and right of entry, among others.

B. The Code Enforcement Officer of PENN TOWNSHIP shall not issue a building permit for a building to be serviced by a subsurface waste disposal system and/or alternative system prior to receiving a Sewerage Permit from the Sewage Enforcement Officer authorizing the installation or rehabilitation of said system.

C. The Code Enforcement Officer of PENN TOWNSHIP shall not issue a zoning permit or a certificate of occupancy for a building which is serviced by a subsurface waste disposal system and/or alternative system prior to receiving approval from the Sewage

Enforcement Officer certifying that the installation or rehabilitation is complete and complies with state and local regulations.

D. The septic tanks of subsurface waste disposal systems shall be pumped out within two (2) years of the effective date of this Ordinance and every four (4) years thereafter. The aerobic tanks of subsurface waste disposal systems shall be maintained within six (6) months of the effective date of this Ordinance and quarterly thereafter by the Township or authorized personnel.

E. The Township may require septic tanks to be pumped out at more frequent intervals for proper operation of the system if it finds that the system is malfunctioning, that the system has malfunctioned in the past, that seasonal use will significantly increase use of the system, that the number of people using the system has increased, that a garbage grinder has been installed in a building serviced by an existing system before the effective date of this Ordinance, or for other good cause. The Township shall end its requirement for increased frequency of pump-out upon termination of the factor causing said requirement. A subsurface waste disposal system and/or alternative system owner may appeal the Township's determination of an increase in frequency of pump-out through the administrative appeal process set forth in Section 16.

F. The Township may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Township that the system can operate properly without the need for pump out for a period longer than four (4) years, but in no case shall such period extend beyond six (6) years. Such a request may be made at any time and must be in writing with all supporting documents attached. The Township in making its determination, shall take into account the information submitted by the applicant, the Sewerage Permit issued by the Sewage Enforcement Officer upon installation or rehabilitation of the system and supporting documentation, reports of inspection, and maintenance of the system and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface and soil or water sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within ninety (90) days of accumulation of all necessary information by the Township or its authorized agent.

G. The frequency of pump-out of septage, solid, and semi-solid residue from aerobic units and alternative systems and other necessary maintenance shall be determined by the

Township upon consideration of the size of the receiving tank or similar structure, the number of people served, the current literature, factors unique to the system and other relevant factors, on a case-by-case basis.

H. Any system which contains two disposal fields shall alternate the use of those fields every six (6) months in order to allow the other field to “rest” and rejuvenate its disposal capacity.

I. The Township may require other maintenance activity during regularly scheduled pump-out of the septic tank, such as cleaning and unclogging of pipelines connecting the tank and disposal field and cleaning of the distribution box and mechanical equipment.

J. If an inspection of the system reveals the need to pump out the tank prior to its next regularly scheduled pump-out or for other necessary maintenance, the owner shall complete the necessary maintenance activity within thirty (30) days of the inspection. If such activity is not complete within this time period, the Township, its authorized agent, or a private party under contract to the District may undertake the required activity and the District shall assess the owner for costs incurred.

K. Any holding tank located within the Management District shall be pumped out as needed at intervals determined by the Township or its authorized agent.

### **Section 8: Proof of Compliance with Required Pump-Out.**

A. Each time a septic tank or other subsurface waste disposal system tank is pumped out, the Township, its authorized agent, or a private septage waste hauler, whichever provides the service, shall provide to the owner of the subsurface water disposal system a signed receipt containing the following information:

- date of pumping;
- name and address of system owner;
- address of tank’s location if different from owners;
- description and diagram of the location of the tank including the location of any markers, risers, and access hatches;
- size of the tank;
- age of the system;
- last date of pump out;
- list of other maintenance performed;

- any indications of system malfunction observed;
- amount of septage or other solid or semi-solid material removed;
- cost of the pumping service;
- waste hauler’s state license number permitting it to collect and haul septage in the Commonwealth of Pennsylvania; and
- list of recommendations.

The receipt shall be signed by the system owner certifying that the septage does not contain any of the prohibited substances listed in Section 10.

B. The receipt shall be submitted to the Township to serve as proof of compliance with the pump out requirements of Section 7. A copy shall be retained by the system owner and a copy shall be submitted to the site or facility accepting the septage for disposal.

**Section 9: Rehabilitation of Malfunctioning System.**

A. Any subsurface waste disposal system and/or alternative system or component thereof which is found to be malfunctioning and causing pollution of ground or surface waters, contamination of private or public drinking water supply, a nuisance, or a hazard to the public health, shall be repaired, modified, or replaced, pursuant to the order of the Township or its authorized agent to correct the condition caused by the malfunction. Rehabilitation shall be performed in accordance with “Chapter 73, Standards for Sewage Disposal Facilities” of “Title 25, Rules and Regulations, Department of Environmental Resources”. The Sewage Enforcement Officer shall inspect rehabilitation and certify their compliance with state and local standards. The Township shall retain final authority for the conditions and issuance of Sewerage Permits.

B. The Township shall have the authority to order the repair of any existing subsurface waste disposal system and/or alternative system, including, but not limited to, the installation of a new conventional drainage field, the construction of elevated sand mounds to replace an existing disposal field, the addition of dosing tanks and distribution boxes to the system, the replacement of any component of the system, and the replacement of an existing septic system with a completely different system such as an aerobic system, a holding tank, or a waterless toilet. The Township shall also have the authority to require two or more buildings serviced by malfunctioning septic tanks and subsurface drainage fields to hook up to a small community system.

C. Rehabilitation of a subsurface waste disposal system and/or alternative system ordered by the Township shall commence construction within thirty (30) days of issuance of said order and shall be completed within ninety (90) days unless seasonal conditions mandate a longer period, in which case the Township shall set the extended completion date. If construction is not commenced or completed within the allotted time period, the Township, its authorized agent, or a private party under contract to the Township may undertake the required rehabilitation. If performed by a private party at the direction of the Township, the private contractor shall be paid by the Township for work performed. The Township shall assess the system's owner for costs incurred.

D. The owner of a subsurface waste disposal system and/or alternative system shall not undertake any independent repair, modification or replacement of the system without prior notice to and approval of the Township. Upon completion, the Sewage Enforcement Officer shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.

E. The Township may apply for federal and state grants, if available, to be used for the rehabilitation of subsurface waste disposal systems and/or alternative systems.

#### **Section 10. Operation.**

A. The Township shall distribute to all existing and new members of the Management District, a copy of an abstract of pertinent information and regulations as regulated by this Ordinance. Appropriate literature and publications discussing care and maintenance of septic tanks, aerobic units, waterless toilets, and other subsurface waste disposal systems shall be distributed to those members who utilize such systems.

B. Members shall be encouraged to minimize water use and install water saving devices in order to increase the efficiency and promote the long life of the on-site system. Literature on water conservation practices and devices shall be distributed to District members. Water conservation practices shall be looked upon favorably in the consideration of a request for less frequent pump-out and maintenance of a system as provided for in Section 7.

The following shall be considered as maximum allowable water usage limits where a home is to be considered as utilizing water conservation practices:

1. Flow control faucet aerators – w gallons per minute
2. Low flush toilets – 3.5 gallons per flush

3. Flow limiting shower heads – 2.5 gallons per minute

Also it is recommended that the homeowner utilize suds-saver type automatic washing machines.

C. Only sewage and normal domestic wastes shall be discharged into the subsurface waste disposal system and/or alternative system. The following wastes shall not be discharged into the system:

1. Industrial wastes;
2. Fats, grease and garbage grindings;
3. Automobile oil and other non-domestic oil in excessive amounts;
4. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paint, paint thinner, herbicides and solvents.

D. After the effective date of this Ordinance, it shall be unlawful for any person to install a garbage disposal unit or garbage grinder in any building located within the Management District unless the garbage disposal unit or garbage grinder is constructed or installed in such a way as to prevent the garbage grindings from being discharged into the subsurface sewage disposal system.

#### **Section 11: Right of Entry.**

A. Employees and authorized agents/personnel of the Township shall, upon presentation of proper credentials and identification, be permitted to enter upon all properties which are subject to this Ordinance for the purpose of inspection, observation, sampling, maintenance and rehabilitation of subsurface waste disposal systems or other alternate systems in accordance with the provisions of this ordinance.

B. The right to enter shall include the right to excavate any part of the property to inspect, maintain, or alter any component of the subsurface waste disposal system and/or alternative system, or to sample soil, water or septage. Upon completion of the activity requiring excavation, the Township or its authorized agent shall return the land to its former condition as soon as possible.

C. The Township, or its authorized agent, shall provide seven (7) days notice to the owner of the subsurface waste disposal system and/or alternative system prior to entry onto the property for regularly scheduled inspection or maintenance. At least twenty-four (24) hours notice shall be required prior to inspection, observation, sampling, maintenance or rehabilitation

when the Township or its authorized agent suspects the subsurface waste disposal system and/or alternative system is malfunctioning, is about to malfunction, is being operated improperly, or is causing a nuisance, water pollution, or a public health hazard.

**Section 12. Transfer of Ownership.**

A. Any person, partnership, corporation or subdivision which obtains ownership of any building within the Management District serviced by a subsurface waste disposal system and/or alternative system subsequent to the enactment of this Ordinance shall automatically become a member of the Management District upon transfer of ownership of said building.

**Section 13. Regulation of Septage Waste Haulers.**

Any septage waste hauler who violates any federal, state or local laws or regulations pertaining to disposal of septage or waste sludge may be prohibited by the Township from operating in the Management District. Whenever a septage waste hauler has been prohibited from operating within the Management District, the party aggrieved by such action may appeal through the administrative appeal process detailed in Section 16 of this Ordinance.

**Section 14. Charges; Lien.**

Charges for services performed by the Township shall be payable to the Township. Charges for services performed by a private party under contract to the Township or to a member of the District shall be payable directly to the private party.

**Section 15: Administration.**

The Management District shall be administered under the jurisdiction of PENN TOWNSHIP and its employees, facilities and equipment may be utilized in conducting the activities of the District.

A. Personnel. The Township may contract with private parties or public agencies to conduct inspections, maintenance, rehabilitation, and other activities authorized by this Ordinance.

B. Records. All permits, records, reports, filed and other written material relating to the installation, operation, maintenance and malfunctioning of subsurface waste disposal systems and/or alternative systems in the Management District in the possession of the Sewage Enforcement Officer or other public agency shall become the property of the Township.

Records in the possession of the Township shall be available for public inspection during regular business hours at the office of the Township.

**Section 16: Appeals.**

A. Appeals from decisions of Township employees or authorized agents under this Ordinance shall be made to the BOARD OF SUPERVISORS OF PENN TOWNSHIP, in writing, within thirty (30) days from the date of the decision concerning frequency of inspection (Section 6), frequency of maintenance (Section 7), and disposal of septage (Section 13). The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if made at least fourteen (14) days prior to the meeting. If made within fourteen (14) days of the next meeting, the appeal shall be heard at the subsequent meeting. The Board of Supervisors shall thereafter reverse, modify or affirm the aforesaid decision. The hearing may be postponed for good cause shown. Additional evidence may be introduced at the hearing provided it is submitted with the written notice of appeal.

B. A decision shall be rendered within thirty (30) days of the date of hearing, or by the next regularly scheduled meeting of the Board of Supervisors, which ever is later. If a decision is not rendered within thirty (30) days, the relief sought by the appellant shall be deemed granted.

**Section 17: Penalties.**

A. Any subsurface waste disposal system and/or alternative system owner found to be violating any of the provisions of this Ordinance shall be served by the Township with written notice stating the nature of the violation and the penalties prescribed in subsection B and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.

B. Any subsurface waste disposal system and/or alternative system owner who shall violate the following provisions of this Ordinance or who shall continued any violation beyond the time limit provided for in subsection A above shall, upon conviction thereof, be subject to a fine not to exceed \$200.00 or by imprisonment for not more than thirty (30) days, or both. Each day a violation continues shall constitute a separate offense.

**Section 18: Repealer.**

All ordinances or parts of ordinances inconsistent with provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 19: Severability.**

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 20:**

The provisions of this Ordinance in so far as they are the same as those of Ordinances and Regulations in force, immediately before the enactment of this Ordinance are intended as a continuation of those earlier Ordinances and Regulations. Nothing in this Ordinance shall affect any act done or any suit or prosecution pending or to be instituted under any earlier Ordinances or Regulations repealed or superseded hereby.

**DULY ENACTED AND ORDAINED** this 13<sup>th</sup> day of May, 2010, by the **BOARD OF SUPERVISORS OF PENN TOWNSHIP**, Pennsylvania, in lawful session duly assembled.

**PENN TOWNSHIP,  
CUMBERLAND COUNTY,  
PENNSYLVANIA**

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**TINA McCOMMON, Secretary**

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**GARY MARTIN, Chairman**

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**KENNETH SHEAFFER, Vice Chairman**

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**AMOS SEIDERS, Supervisors**