

ORDINANCE NO. 02-15

HARMONY TOWNSHIP, FOREST COUNTY, PENNSYLVANIA

SEWAGE MANAGEMENT ORDINANCE

AN ORDINANCE REQUIRING ALL PERSONS TO ABIDE TO THE REQUIREMENTS FOR THE PERMITTING, DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF ON-LOT SEWAGE DISPOSAL FACILITIES INSTALLED IN HARMONY TOWNSHIP; PROVIDING FOR THE ISSUANCE OF ON-LOT SYSTEM PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR THE USE OF ON-LOT SYSTEMS AS A MEANS OF SEWAGE DISPOSAL; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

IT IS HEREBY ORDAINED AND ENACTED by the Township of Harmony, Forest County, Pennsylvania:

ARTICLE I. PURPOSE AND POLICY

This Ordinance shall be known and may be cited as "An ordinance providing for a Sewage Management Program for Harmony Township, Forest County, Pennsylvania."

In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 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), it is the power and the duty of Harmony Township 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 Harmony 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.

The purpose of this Ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal system; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a Sewage Management Program.

This Ordinance and the Harmony Township Sewage Management Program shall allow the Supervisors of the Municipality to maintain an up-to-date and thorough inventory of on-lot sewage disposal facilities installed throughout the Municipality, including information such as which properties contain an on-lot system, the date of installation, permitting, and maintenance and inspection records of said system.

ARTICLE II. DEFINITIONS

- A. "Authorized Agent" shall mean a Sewage Enforcement Officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Harmony Township to administer or enforce the provisions of this Ordinance.
- B. "Board" shall mean the Board of Supervisors, Harmony Township, Forest County, Pennsylvania.
- C. "Community Sewage System" shall mean any system, whether publically or privately owner, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.
- D. "Department" shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. "Individual Sewage System" shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.
- F. "Malfunction" shall mean a 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, backs up into a building connected to the system or in any manner 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 condition noted above occurs for any length of time during any period of the year. Liquid wastes, including kitchen, bathroom, laundry and water softener backwash must be discharged into a treatment tank. Failure to do so shall be considered a malfunction.
- G. "Municipality" shall mean Harmony Township, Forest County, Pennsylvania.
- H. "Official Sewage Facilities Plan" shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- I. "On-lot Sewage Disposal System" shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

- J. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, or possession of any real property located in the Municipality.
- K. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.
- L. "Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- M. "Sewage" shall mean any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance being harmful or inimical to the public health, to animal or aquatic life, or to the use of water for domestic water supply or recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended. Piped discharges from sinks, showers, toilets, washing machines, water softeners and other related fixtures constitutes sewage.
- N. "Sewage Enforcement Office (SEO)" shall mean a person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.
- O. "Sewage Management Program" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this ordinance.
- P. "Subdivision" shall mean the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. 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.
- Q. "Township" shall mean the Township of Harmony, Forest County, Pennsylvania.
- R. "Violation" shall mean the failure of any on-lot system to be fully compliant with the Municipality's Sewage Management Program. An on-lot system without the required Permit is presumed to be in violation until such time as that documentation is acquired or presented.

- S. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

ARTICLE III. APPLICABILITY

From the effective date of this ordinance, its provisions shall apply throughout the Township and the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

ARTICLE IV. PERMIT REQUIREMENTS

No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or 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 from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts.

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 a sewage enforcement officer. If three (3) business days have elapsed, excepting weekends and Holidays, since the sewage enforcement office issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.

Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.

No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a sewage enforcement officer.

No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage

enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

Sewage permits may be issued only by a sewage enforcement officer employed by the Township. DEP shall be notified as to the identity of each sewage enforcement officer employed by the Township.

ARTICLE V. INSPECTIONS

Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater 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 wastewater generated in the structure. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.

An initial inspection shall be conducted by an authorized agent within in accordance with the Sewage Management Program for the purpose of determining the type and functional status of each sewage disposal system in the Township. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township records. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems.

An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.

If there arises a geographic area where numerous on-lot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by Township officials and/or DEP, represents a serious public health or environmental threat.

ARTICLE VI. OPERATION

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 non-domestic oil.
- C. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

ARTICLE VII. MAINTENANCE

Each person owning a building or structure served by an on-lot sewage disposal system shall operate and maintain said system in accordance with the requirements of the Sewage Management Program or as directed by the Sewage Enforcement Officer. Any person owning a property served by a system requiring periodic pumping shall submit pumping receipts to the Township in accordance with the Sewage Management Program.

The maintenance requirements may be increased at the discretion of an authorized agent if the system is undersized, if solids buildup 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.

Additional maintenance activity may be required 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 obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

ARTICLE VIII. SYSTEM REHABILITATION

No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. 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 for such discharge has been obtained from DEP. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.

A sewage enforcement officer 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, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site. In lieu of, or in combination with, the remedies described above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

Within fourteen (14) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within sixty (60) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within one hundred twenty (120) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

In the event that the rehabilitation measures above are not feasible or effective, the owner may be required to apply for a permit to install a new on-lot system as directed by the Municipality or its agent.

Should none of the remedies described in this Section be 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 Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

ARTICLE IX. LIENS

The Township or its agent, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, shall have the authority to serve upon the violator and to proceed in court to abate any nuisance or to restrain or prevent violation of the Clean Streams Act in accordance with Section 601 and 602 thereof or abate any nuisance or restrain any violation of the Pennsylvania Sewage Facilities Act in accordance with Sections 12 and 13 thereof. If it appears to the Sewage Enforcement Officer that a violation of the Sewage Management Program has occurred, the Sewage Enforcement Officer shall initiate enforcement proceedings by sending an enforcement notice as documented in the Sewage Management Program. The enforcement notice shall be sent to the owner of record of the parcel on which the violation occurred, to any person who has filed a

written request to receive enforcement notices regarding the parcel or to any person requested in writing by the owner of the parcel.

In circumstances in which the Township incurs any costs and expenses, both direct and indirect and including necessary attorney fees, resulting from property owners failing to comply with the requirements of this SMP, these costs and expenses shall be paid by the property owner to the Township within 30 days after said costs or expenses are incurred by the Township. If said costs or expenses are not paid to the Township within said time period, the Township shall have the right to file and enforce a lien with interest and penalties at current Township borrowing rate against the property pursuant to the Municipal Claims Act, as amended.

ARTICLE X. DISPOSAL OF SEPTAGE

All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101–6018.1003) and all other applicable laws.

ARTICLE XI. ADMINISTRATION

The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance. The Township shall employ a qualified Sewage Enforcement Officer to carry out the provisions of this ordinance.

All permits, records, reports, files and other written materials relating to the installation, operation and maintenance of on-lot sewage disposal systems in the Township shall become the property of the Township and maintained by the Sewage Enforcement Officer. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Sewage Management Program shall be made available, upon request, for inspection by representatives of DEP. An annual report will be submitted to the DEP according to its direction.

The Township Supervisors and the Sewage Enforcement Officer shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance. The Sewage Enforcement Officer has established a fee schedule and is responsible for the collection of fees to cover the cost of administering the Sewage Management Program. The Sewage Enforcement Officer's fee schedule will be set by motion by the Board of Supervisors at the organizational meeting held each January.

ARTICLE XII. APPEALS

Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within thirty (30) days from the date of written notification of the decision in question. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal. A decision shall be rendered in writing within thirty (30) days of the date of the hearing.

ARTICLE XIII. ANNUAL ADMINISTRATIVE FEES

An annual administrative fee shall be paid to Harmony Township by every property owner in the Township. The Township will mail an annual Sewage Management bill to each individual property owner for collection of annual fees. Within 30 days of receipt of said bill, property owners shall send a check, in the amount indicated, payable to Harmony Township. The initial amount of the administrative fee shall be fifty dollars (\$50.00). This amount can be changed at any time by Resolution of the Supervisors of Harmony Township.

In circumstances in which the Township incurs any costs and expenses, both direct and indirect and including necessary attorney fees, resulting from property owners failing to comply with the requirements of this SMP, these costs and expenses shall be paid by the property owner to the Township within 30 days after said costs or expenses are incurred by the Township. If said costs or expenses are not paid to the Township within said time period, the Township shall have the right to file and enforce a lien with interest and penalties at current Township borrowing rate against the property pursuant to the Municipal Claims Act, as amended.

ARTICLE XIV. PENALTIES

Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than Five-Hundred dollars (\$500) and costs, and not more than Five Thousand dollars (\$5,000) and costs, or in default thereof shall be subject to imprisonment as determined by the local judicial system in accordance with the Pennsylvania Sewage Facilities Act.

ARTICLE XV. REPEALER

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

ARTICLE XVI. 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.

ARTICLE XVII. ENACTMENT

IN WITNESS WHEREOF, the Supervisors of Harmony Township have caused this Ordinance to be adopted this 8th day of June, 2015.

ATTEST:

HARMONY TOWNSHIP SUPERVISORS

Karla Beach
Harmony Township Secretary

By: *T. Myers*

By: *Thomas W. Gil*

By: *D. Beach*