

MONROE TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 99-3

AN ORDINANCE ESTABLISHING MUNICIPAL MANAGEMENT, OPERATION AND REHABILITATION OF INDIVIDUAL AND COMMUNITY ON-LOT SEWAGE DISPOSAL SYSTEMS IN MONROE TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania, as follows:

SECTION I: SHORT TITLE, INTRODUCTION, PURPOSE, SCOPE AND OUTLINE

I.1 SHORT TITLE

This Ordinance shall be known and may be cited as "The Monroe Township On-Lot Management Ordinance".

I.2 INTRODUCTION

As mandated by the municipal codes, the Clean Streams Law (35 P.S. Section 691.1 et. seq., and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. Section 750.1 et. seq.) Municipalities have an obligation to provide for adequate sewage treatment facilities and protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Monroe Township "Act 537 Official Wastewater Facilities Plan" has evaluated the need to provide adequate sewage facilities and has found that the formation of an On-Lot Management Program to be an effective method of preventing and abating water pollution and hazards to the public health.

I.3 PURPOSE

The purpose of this Ordinance is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Board of Supervisors of Monroe Township to intervene in situations which are a public nuisance or hazard; and to establish penalties and appeal procedures necessary for the proper administration of such a management program.

I.4 SCOPE

From the effective date of this Ordinance, all designated participants as identified in the "Act 537 Official Wastewater Facilities Plan", as officially adopted by the Monroe Township Board of Supervisors, shall be in conformity with this Ordinance and all amendments adopted as part of this Ordinance.

I.5 OUTLINE

The content of this Ordinance are as outlined below:

- I. Short Title, Introduction, Purpose, Scope and Outline
- II. Definitions
- III. Applicability
- IV. System Installation and Permit Requirements
- V. Replacement Areas
- VI. Inspections
- VII. Maintenance
- VIII. Compliance with Tank Maintenance Requirements
- IX. Operation
- X. System Rehabilitation
- XI. Liens
- XII. Disposal of Septage
- XIII. Administration
- XIV. Appeals
- XV. Penalties
- XVI. Continuation
- XVII. Effective Date
- XVIII. Severability
- XIX. Relationship to Other Ordinances

SECTION II: DEFINITIONS

- A. Act 537: The Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. Section 750.1 et.seq., known as the Pennsylvania Sewage Facilities Act.
- B. Authorized Agent: A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Ordinance within specified limits.
- C. Board: The Board of Supervisors, Monroe Township, Cumberland County, Pennsylvania.
- D. Codes Enforcement Officer (C.E.O.): An Authorized Agent of the Township to administer and enforce other Ordinances in the Township.

- E. Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage from two (2) or more lots, and the treatment and/or disposal of the sewage on one (1) or more lots or at any other site.
- F. Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- G. Individual Sewage System: 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 the Commonwealth.
- H. Malfunction: The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into surface waters of this Commonwealth, backs up into the building connected to the system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Any septic or holding tank observed to be leaking is considered a malfunctioning tank. 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.
- I. Municipality: Monroe Township, Cumberland County, Pennsylvania.
- J. Official Act 537 Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act. Hereinafter called the "Plan," it shall mean the Monroe Township Act 537 Plan, as amended.
- K. On-Lot Disposal System: Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.
- L. On-Lot Management District (OLMD): Any area or areas of the Township established by Ordinance wherein the requirements for the construction, repair, modification, operation, and maintenance of on-lot septic systems are more restrictive than those for the Township as a whole.
- M. On-Lot Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance and other administrative requirements adopted by the Township to effectively enforce and administer this Ordinance.

- N. 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, Township, 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 or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any Township or municipal, public or private corporation for profit or not for profit.
- O. Rehabilitation: Work done to modify, alter, repair, enlarge or replace an existing on-lot disposal system.
- P. 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 disposal system.
- Q. Sewage: Any substance that contains any of the waste of 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 or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended.
- R. Sewage Enforcement Officer (S.E.O.): An agent of the Township, DEP certified, to issue and review permit applications and conduct such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.
- S. Subdivision: The division or re-division 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.
- T. Township: Monroe Township, Cumberland County, Pennsylvania.

Section III: APPLICABILITY

From the effective date of this Ordinance, it's provisions shall apply in all portions of Monroe Township. The provisions

of this Ordinance shall apply to all persons owning any property serviced by an on-lot disposal system and to all persons installing or rehabilitating on-lot disposal systems.

SECTION IV: SYSTEM INSTALLATION AND PERMIT REQUIREMENTS

- A. No person shall install, construct, alter or repair an on-lot disposal system, or occupy any building or structure for which an on-lot disposal system is to be installed without first obtaining a sewage 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 and the standards adopted pursuant to that Act. Sewage permits shall be obtained from the Township.
- B. 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 Township or it's agent.
- C. The Township may require applicants for sewage permits to notify the Township or it's agent 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 Act 537 may be scheduled.
- D. No building, zoning or occupancy permit shall be issued by the Township or it's codes enforcement officer, or zoning officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township or it's agent.
- E. 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 the township's codes enforcement officer, or zoning officer, and the structure's owner receive from the Township or it's agent either a permit for alteration or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The Township shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. A Permit Exemption Declaration must be filed with the Township's S.E.O. a minimum of forty-eight (48) hours prior to any soil fracturing or use of the terralift procedure to an on-lot disposal system

- G. Newly installed or rehabilitated on-lot sewage disposal systems must be built with markers provided in the drainage fields via four (4) inch vertical non-perforated PVC pipe connected directly to the drain tile at a minimum of four (4) locations in the drainage field. A new or rehabilitated retaining tank shall have installed a marker or markers at ground level locating the subsurface tank and means of access to the tank to enable inspection and removal of sewage by the hauler.

SECTION V: REPLACEMENT AREAS

- A. New or proposed subdivisions or land developments within the Township which will utilize on-lot disposal systems shall provide for the testing, identification and reservation of an on-lot system and replacement area on each lot or developed property. The location of all soil tests shall be located by survey and shown on a plot plan. The boundaries of approved primary and replacement soil absorption system areas shall be shown on the subdivision plat.
- B. No sewage permit shall be issued for any proposed on-lot disposal system intended to serve a newly constructed building or to permit a change of use unless and until a replacement area is tested, identified and reserved.

SECTION VI: INSPECTIONS

- A. Any on-lot sewage disposal system may be inspected by the Township's Authorized Agent at any reasonable time with reasonable notice.
- B. The inspections required in Subparagraph A herein may 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 wastewater generated in the structure.
- C. An initial pumping and inspection shall be conducted by the Township's Authorized Agent at the time when adjacent systems in the same phase are scheduled and inspected for the purpose of determining it's functional status. The individual property owner is responsible to make arrangements directly with the pumping contractor. 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.
- D. The Township's Authorized Agent shall have the right to

enter upon land for the purpose of inspections described above.

- E. The Township and it'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 Township and it's Authorized Agent shall take action to require the correction of the malfunction.
- F. In certain geographic areas within the Township where numerous on-lot disposal systems are malfunctioning a revision to that area's Act 537 Official Sewage Facilities Plan may be required. Where a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Township, pending the outcome of the plan revision process. However, discharges from the malfunctioning system shall be abated by periodic pumping or other means approved by the Township. The Township shall compel immediate corrective action whenever a malfunction, as determined by municipal officials, the Township, or the Pennsylvania DEP, represents a serious public health or environmental threat.
- G. All pumpers/haulers must use the Monroe Township inspection form whenever pumping any on-lot sewage system in the Township.
- H. All property owners must have their systems pumped and inspected as notified by letter that their pumping inspection is due unless they can provide a copy of a Monroe Township inspection form completed within six (6) months prior to the date of the letter.
- I. All septic systems reported to be experiencing problems, containing substandard components, or which have never had a sewage management inspection, may be inspected by the SEO at the time of pumping. All property owners notified by letter that a SEO inspection is due must have that pumping and inspection completed regardless of any other tank pumping they may have had done.
- J. All retaining (holding) tanks shall have a visual content indicator attached which is maintained in good working order at all times.

SECTION VII: MAINTENANCE

- A. Any person owning a building served by an on-lot sewage disposal system which contains a septic tank, holding tank or privy vault shall have this tank pumped by a qualified

pumper/hauler for the removal of septage or other solids from the septic tank, holding tank or privy vault once every third year within thirty days of written notification by the Township that such pumping and inspection is due. The Monroe Township inspection form from the pumper/hauler shall be submitted to the Township after each pumping.

- B. The required pumping frequency may be increased at the discretion of the Township if the septic tank is undersize, 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.
- C. Any person owning a property served by a septic tank, holding tank or privy vault, shall submit a Monroe Township inspection form. Any person whose septic tank baffles are determined to require repair or replacement shall provide a certification from a septic system installer that the baffles have been repaired or replaced within thirty (30) days of the inspection.
- D. Any person owning a building served by an on-lot disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six (6) months of the effective date of this Ordinance or a start up of a new installation. Thereafter, service receipts shall be submitted to the Township annually to certify that the manufacturer's maintenance recommendations are being followed. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- E. Any person owning a building served by a cesspool or dry well must secure a sewage permit from the Township or it's agent for a septic tank to be installed preceding the cesspool or dry well. A septic drain system must also be installed, if possible.
- F. The Township may require additional maintenance activity as needed including, but not necessarily being limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, ranks and lines, removal of obstructing roots or trees, and the diversion of surface water away from the disposal area.
- G. All on-lot sewage disposal systems shall be maintained at all times by the tenant and owner of a property in such condition as will permit it to function in the manner in which it was designed and as to prevent the unlawful discharge of sewage.

- H. Each person utilizing an on-lot sewage disposal system shall maintain the area around such an on-lot sewage disposal system so as to maintain convenient access to the on-lot sewage disposal system for inspection, maintenance and pumping.
- I. Retaining (holding) tanks shall be pumped out at such intervals as will prevent overflow, leakage backup and other malfunctions of an overloaded system. No on-lot sewage disposal shall be altered, damaged, by-passed, or otherwise utilized in a manner which is not consistent with its intended purpose to prevent sewage from entering the surrounding soil.

SECTION VIII: COMPLIANCE WITH TANK MAINTENANCE REQUIREMENTS

- A. When a septic tank is "pumped out" and septage removed for disposal, the hauler responsible for septage removal shall provide the owner of the system a signed Monroe Township Inspection Form containing:
 - 1. Date of pumping
 - 2. Name and address of system owner
 - 3. Size of tank
 - 4. Any indication of system malfunction
 - 5. Estimated amount of septage removed in gallons
 - 6. Designated disposal area
 - 7. An indication that the inlet and outlet baffles have been inspected with recommendations for their repair or replacement
- B. The property owner of any on-lot sewage disposal system must not allow any substances or chemical compounds not considered sewage by definition in this Ordinance to be introduced into the septic system.
- C. The Monroe Township Inspection Form shall be submitted to the Township or it's authorized agent within thirty (30) days of the pump-out date to serve as proof of compliance with the requirement for septage removal in Section 6 of this Ordinance. It is the responsibility of the property owner to ensure that it's agent provides the required form.

SECTION IX: OPERATION

- A. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:
 - 1. Industrial waste
 - 2. Automobile oil and other non-domestic oil

3. Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
 4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.
 5. Fats, grease and garbage grindings.
- B. All sewage and discharges of water resulting from usage in a residence shall be discharged only into the on-lot sewage disposal system on the property.

SECTION X: SYSTEM REHABILITATION

- A. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it allows sewage to back up into the building served, discharge to the ground surface, pollute ground or surface waters. All sewer and liquid wastes, including kitchen waste, laundry wastes and water softener backwash, shall be discharged to a septic tank or aerobic 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 to discharge has been obtained from the Pennsylvania Department of Environmental Protection.
- B. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage.
- C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the Township or it's agent for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed. The Township may set an extended completion dated if the applicant provides acceptable justification (same being, as an example, seasonal conditions and weather conditions) and provides for the abatement of the release of sewage or the pollution of ground and surface waters during the period of extension.
- D. The Township's certified SEO shall have the authority to require the repair of any malfunction by any method consistent with state regulations under Act 537.

- E. In the event that the rehabilitation measures are not feasible or do not prove effective, the owner may apply to the Pennsylvania Department of Environmental Protection for a permit to install a single residence treatment and discharge system or apply to the Township for a permit to install an individual spray irrigation treatment system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.
- F. Should none of the approved remedies prove effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of the responsibility for that malfunction. The Township may require whatever action is necessary including the installation of a holding tank to lessen or mitigate the malfunction.
- G. In lieu of, or in combination with, the remedies described in Subparagraph D hereinabove, the municipal SEO 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 and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether.
- H. Any on-lot sewage disposal system or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to direction of the Township or its Authorized Agent and to correct the conditions causing 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 Protection. The Township Sewage Enforcement Officer shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with local and state standards.
- I. The Owner of any on-lot sewage disposal system shall not undertake any independent repair, modification or replacement of an on-lot sewage disposal system without prior notice to and approval of the Township Sewage Enforcement Officer. Upon completion, the Township Sewage Enforcement Officer shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with state and local standards.

SECTION XI: LIENS

The Township, upon written notice from the SEO 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 term of this Ordinance, shall have the authority to perform or contract to have performed, the work required to abate the health hazard, pollution or nuisance. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law. The Township reserves the right to pursue all other lawful remedies.

SECTION XII: DISPOSAL OF SEPTAGE

- A. All septage originating within the Township shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection.
- B. Septage pumpers/haulers shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S. Sections 6018.101 et. seq. Only pumpers/haulers authorized to operate within Cumberland County shall be utilized.

SECTION XIII: ADMINISTRATION

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include a certified SEO and may include a codes enforcement officer, secretary, administrator or other persons as required. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.
- C. 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 Township. Existing and future records shall be available for public inspection during normal business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township's sewage management program shall be made available, upon written request. A fee for copying may be charged.
- D. The Township may establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Township may establish a fee schedule, and subsequently

collect fees, to cover the cost of administering the on-lot maintenance program. The Township can set fees from time to time by a properly enacted resolution or Ordinance.

SECTION XIV: APPEALS

- A. Appeals from decisions of the Township or it's Authorized Agents under this Ordinance shall be made to the Board of Supervisors in writing with thirty (30) days from the date of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board at it's next regularly scheduled meeting, if the 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 subsequent meeting. The Township 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.
- C. A decision shall be rendered in writing within sixty (60) days of the date of the hearing. If a decision is not rendered withing sixty (60) days, the relief sought by the appellant shall be deemed granted.

SECTION XV: PENALTIES

- A. Any person who shall violate or fail to comply with any provision of this Ordinance shall, upon conviction thereof by a summary proceeding action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than One Hundred and No/100 (\$100.00) Dollars, nor more than One Thousand and No/100 (\$1,000.00) Dollars, plus all court costs, and imprisonment, all pursuant to the purpose and mandate of Act No. 172 of 1996. Each day's continuance of a violation of this Ordinance shall constitute a separate offense and shall be punishable as such.
- B. The discharge by the Township of it's obligations as set forth in this Ordinance shall create no liability upon the Township, it's officials, employees or agents.
- C. All reports, inspections, appraisals, certifications or records required or produced by the Township, it's

officials, employees or agents, as required by this Ordinance, shall be for the use and benefit of the township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

SECTION XVI: CONTINUATION

The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION XVII: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law. The implementation of this Ordinance and the provisions contained herein will be effective commencing April 27, 1999.

SECTION XVIII: SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Monroe Township that such remainder shall be and shall remain in full force and effect.

SECTION XIX: RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of

Resolutions inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED this 22nd day of April, 1999.

ATTEST:

MONROE Township
BOARD OF SUPERVISORS

Marijane E. Metzger

A. W. Castle, III
A. W. Castle, III - Chairman

Kevin R. Miller
Kevin R. Miller - Vice Chairman

Samuel M. Simmons III
Samuel M. Simmons, III - Member