

## ORDINANCE 2016-02

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INSTALLATION, INSPECTION AND ON-GOING MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS, REQUIRING REGISTRATION OF SERVICE PROVIDER BUSINESSES, AND FURTHER, ESTABLISHING APPLICATION AND PERMITTING PROCESSES AND FINANCIAL AND/OR PERFORMANCE ASSURANCES FOR INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS (IRSIS) AND PROVIDING FOR IMPOSITION OF PENALTIES FOR NONCOMPLIANCE AND APPEALS FOR HARDSHIP SITUATIONS.

Pursuant to Pennsylvania Sewage Facilities Act 35, P.S. 750.1 et seq., ("The Act"), as implemented by and through the regulations issued by the Pennsylvania Department of Environmental Protection, Title 25, Chapters 71, 72 and 73, statutory authority is granted to WARRINGTON TOWNSHIP, YORK COUNTY, PENNSYLVANIA, hereafter, the TOWNSHIP, to take actions necessary to assure continued compliance of on-lot sewage disposal systems. Therefore, the TOWNSHIP Board of Supervisors does hereby ordain as follows:

This Ordinance shall be known as and may be referred to as the "WARRINGTON TOWNSHIP ON-LOT SEWAGE SYSTEM MANAGEMENT ORDINANCE".

### SECTION I                      Purpose

The purposes of this Ordinance Include:

- A. The regulation of the installation, inspection, operation, rehabilitation, replacement and timely on-going maintenance of on-lot systems within the Township; and,
- B. The establishment of provisions and safeguards for the Township which enable the issuance of permits for Bonded Systems and IRSIS systems by and through the Sewage Enforcement Officers; and,
- C. The registration of businesses that remove and dispose of septage; and,
- D. Establishment of minimum standards for the periodic pumping of treatment, dosing and lift-pump tanks which are components of on-lot systems permitted by the SEO; and,
- E. Adoption, by reference, of standards for the inspection and subsequent pumping of systems and tanks.

### SECTION II                      Terms and Definitions

The following words and terms when used in the Ordinance shall have the following meanings:

Absorption Area Easement – A portion of a lot, tract or parcel that encompasses the Primary and Replacement Area and which shall be delineated and preserved. The Primary and Replacement Areas need not be contiguous.

Act – The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et.seq.

Authorized Agent – A Certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality coordinator, or any other person who is designated to carry out the provisions of this Ordinance as the agent of the Board of Supervisors.

Bonded Disposal System – An individual sewage system located on a single lot serving a single family residence, where soil mottling is within 20 inches of the mineral soil surface, and the installation, operation and replacement of which is guaranteed by the Owner.

Community Sewage System – A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

DEP/The Department – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Developer – Any person, partnership or corporation which erects or contracts to erect a building on property owned by it, with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent Dwelling Unit (EDU) – For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

Individual On-lot Sewage System – An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or retaining tank.

Individual Sewerage System – An individual sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

Malfunction – The condition which occurs when an on-lot system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health.

Owner – Any person, corporation, partnership, or any other legal entity recognized by law, holding deed or title to lands within the Township.

On-lot System – An individual on-lot sewage system, or an individual sewerage system or a community sewage system described in PA Code, Title 25, Chapter 73.

Planning Module for Land Development – A revision to, or exception to the revision of, the Official Plan, submitted in accordance with DEP regulations, and in connection with the request for approval of a subdivision or land development plan.

Primary Area – An area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot sewage disposal system, and which will be preserved and protected from alteration for installation of the initial on-lot sewage disposal system for sewage generated on that lot, tract, or parcel. (See Replacement Area)

Pumper/Hauler Truck Operator – A natural person who engages in cleaning any or all components of a community or individual on-lot sewage system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge.

Regulations – The Pennsylvania Code, Title 25, Chapters 71, 72 and 73.

Repair – Work done to modify, alter, rehabilitate, or enlarge an existing on-lot system.

Replacement Area – An area on a lot, tract or parcel of land, separate from the Primary Area, that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot system, and which will be preserved and protected from alteration for potential future use if the Primary Area on the same lot, tract, or parcel shall fail for any reason. (See Primary Area)

Retaining 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 includes, but is not limited to, the following:

Chemical Toilet – A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

Holding Tank – A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

Privy – A tank designed to receive sewage where water under pressure is not available.

Incinerating Toilet – A device capable of reducing waste materials to ashes.

Composting Toilet – A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of micro-organisms to produce a stable, humus-like material.

Recycling Toilet – A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

Service Provider/Service Provider Business – Any sole proprietor, company partnership or corporation or enterprise which engages in any of the following tasks: designing, cleaning, repairing, installing, servicing or maintaining any or all components of a community or individual on-lot system and the evacuation and transport of the septage removed therefrom, whether for a fee or free of charge.

Service Provider Report/Receipt – A form, required by the Township, which shall be used by all Pumper/Hauler Truck Operators to report every pumping of an on-lot system in the Township.

Septage – The residual scum, sludge or other materials pumped from septic or aerobic treatment tanks and the systems they serve.

Sewage – Any substance that contains any waste products, or excrement, or other discharge from the bodies of human beings or animals; a substance harmful to the public health, animal or aquatic life, or the use of water from domestic water supply or for recreation, or a substance which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law (35 P.S. 691.1 – 691.1001), as amended.

Sewage Enforcement Officer (SEO) – A person certified by the State Board for the Certification of Sewage Enforcement Officers, who is appointed by the Board to administer the provisions of this Ordinance, the provisions of the Act, and the regulations in PA Code Title 25, Chapters 71, 72 and 73.

Sewage Facilities – Any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

Single and Separate Ownership – The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot.

Soil Absorption System – An on-lot system that uses the renovative capacity of the soil for final treatment of the effluent. All SEO permitted systems, except retention tank systems, are soil absorption systems.

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.

Township – Warrington Township, located in York County, Pennsylvania in which this Ordinance shall be in effect.

Treatment Tank – A water-tight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

Septic Tank – A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

Aerobic Sewage Treatment Tank – A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

### SECTION III

#### Permits Required – Coordination with Building Permits – DEP Permitted Systems

- A. All individual or community on-lot systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this Ordinance, the Act and Regulations.
- B. Building and zoning permits shall not be issued for any building or improvement to real property to be serviced by an on-lot system, prior to receiving a permit for the installation of the on-lot system from the SEO.

- C. All system components including absorption areas must be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, or through means of an easement, right-of-way or other instrument.
- D. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
- E. No on-lot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.
- F. No on-lot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
- G. Permit applications for on-lot systems which include electronically, mechanically, hydraulically or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- H. Permit applications for which the provisions of SECTION V. Subsection A. apply shall include a fully executed maintenance agreement indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the agreement is terminated that the Township be so notified. The Owner shall take immediate action to secure and execute a new maintenance agreement and provide a copy to the Township within thirty (30) days of termination.

#### SECTION IV                      Replacement Areas

- A. A replacement area shall be required for all proposed lots which are intended to be serviced by a soil absorption system, except an Individual Residential Spray Irrigation System (IRSIS).
- B. A replacement area shall be required for all unimproved lots existing prior to the effective date of this Ordinance, which are intended to be serviced by a soil absorption system, but for which a permit to install an on-lot system has not been issued.
- C. Allowance of open land for the replacement area, without performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with the requirements of this Section.
- D. The location of the primary and replacement areas shall be delineated and identified as an absorption area easement on the plot plans and maps or diagrams submitted as part of the permit application and subdivision or land development plan.

- E. The description, including meets and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
  2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area easement.
  3. During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area easement.
  4. The final cover or improvement to every absorption area easement shall be limited to shallow-rooted plant matter.
- F. An Owner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists and upon such a finding shall:
1. Prepare and submit to the SEO for approval a Declaration of Easement which shall:
    - a. Meet the identification, non-use and preservation requirements of this Section;
    - b. Describe, by meets and bounds, the easement area to be abandoned.
  2. Within 15 days of the approval by the Township, record the Declaration of Easement at the County Recorder of Deeds Office.
  3. File a copy of the recorded easement with the Township.

SECTION V                      Individual Residential Spray Irrigation Systems

- A. All applications for on-lot systems which propose to use an IRSIS as the treatment method shall be accompanied by one of the following:
1. A maintenance agreement between the Owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
  2. A maintenance agreement between the Owner and an association, trust or other private entity which is structured to and which accepts the responsibility for proper operation and maintenance of the Individual Residential Spray Irrigation System.
- B. Applications for the Individual Residential Spray Irrigation Systems and Holding Tanks shall be accompanied by a financial guarantee of the same type and character that is required for public improvements by the Township's Subdivision and Land Development Ordinance Section 602.
- C. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair or replace any component of the Individual Residential Spray Irrigation System in the event that the Owner:
1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications; or,

2. Fails to service, clean, inspect and/or pump the treatment tank(s) according to the other applicable standards of this Ordinance; or,
  3. Fails to conduct testing and monitoring at least annually, or more frequently if required by DEP regulation, and report the results of any laboratory analysis to the Township; or,
  4. Voids, cancels, or terminates and fails to replace in a manner approved by the Township the agreement required by Subsection A of this Section.
- D. From the date the permit application is submitted to the SEO or Township and continuing for a period ending two years after the date the system's installation is approved by the SEO, the financial guarantee shall be in an amount not less than fifty percent (50%) of contract price for the installation of the Individual Residential Spray Irrigation System and all piping, tankage and other related system components.
- E. Beginning two (2) years after the date the system's installation is approved by the SEO and continuing for the system's design life, the financial guarantee shall be reduced to an amount not less than twenty-five percent (25%) of the actual construction cost for the installation of the Individual Residential Spray Irrigation System and all piping, tankage and other related system components.
- F. The financial guarantee shall be forfeited by the Owner and the Township shall apply the funds to the repair, operation or maintenance of the system when:
1. The system is not maintained according to the standards of this Ordinance,
  2. The treatment tank(s) are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Ordinance; or,
  3. The testing and monitoring are not conducted according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications; or,
  4. The agreement required by Subsection A of this Section is voided, cancelled, or terminated and is not replaced in a manner approved by the Township.

#### SECTION VI                      Maintenance of Systems

- A. The Owner of a property upon which an on-lot system is constructed shall at all times operate and maintain the on-lot system in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage to the waters of the Commonwealth.
- B. The Owner of a property upon which an on-lot system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance and pumping, and divert surface water and downspouts away from the absorption area and system components.
- C. In the event an Owner detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the Owner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.

1. Owners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.
  2. If an Owner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the malfunction or cause the repair to be effectuated.
- D. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in Section XI of this Ordinance. If a component's manufacturer requires a more frequent pumping interval than contained in this Ordinance, that interval shall be deemed the minimum interval for pumping.
- E. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
- F. Retaining tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than one time per year in accordance with The Warrington Township Holding Tank Ordinance.
- G. Upon completion of each required pumping, the Service Provider business shall:
1. Complete a Service Provider Report;
  2. Deliver the original Service Provider Report to the Owner;
  3. Deliver a copy of the Service Provider Report to the Township by the 10<sup>th</sup> business day of the month following the month of inspection and/or pumping.
  4. The report shall be on a form required by the Township. See Subsection H. item 1.
- H. The first time a system's tank(s) is/are pumped, the Service Provider Reports shall include the following minimum information which shall be developed, discovered or otherwise obtained as the result of a system inspection conducted according to the then current inspection Protocol of the Pennsylvania Septage Management Association:
1. Report shall be submitted on the form titled "York County Sludge/Septage Manifest and Report"
  2. Date of pumping, tank capacity and material
  3. Name and address of system Owner
  4. Name of current occupant and number of system users
  5. Property address where tank is located, if different from Owner's
  6. Presence and condition of baffles in ALL tanks and ALL compartments.
  7. List of other maintenance performed
  8. Indications of system malfunction observed
  9. Amount (gallons) of septage, sludge, or other materials removed
  10. List of recommendations for system rehabilitation
  11. Statement of general system condition
  12. DEP Permit # and site name for destination of the septage
  13. Signature of pumper truck operator or pumper/hauler business owner

- I. Service Provider(2)/Service Provider Business(es) undertaking the initial inspection of an on-lot system shall have successfully completed the On-Lot Wastewater Treatment System Inspector program of the National Onsite Education and Research Foundation or the Pennsylvania Septage Management Association and be so certified.
- J. Initial and periodic tank pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:
1. At all times, the pump truck operator's personal safety, as well as protection of the environment and the Owner's property, shall receive the highest priority.
  2. Tanks shall ONLY be pumped from/through the manhole/access port, i.e., the largest tank opening.
  3. Tanks shall NOT be pumped from/through the observation port.
  4. Where necessary to break up solids, back-washing with clean water or materials already on board the pumper truck may be employed. Mechanical means (scraping, raking, etc.) are NOT necessary, but may be employed provided that appropriate safeguards are taken to prevent injury.
  5. When backwashing, care shall be taken NOT to fill-refill the tank to a level greater than 12" below the elevation of the outlet pipe.
  6. No liquids or solids are to be discharged into/through the outlet pipe.
  7. Tanks shall be deemed to be clean when all organic solids are removed and the total average liquid depth remaining in the tank is less than 1".
  8. Every pump-out shall include a visual inspection of the interior of the tank. The inspection shall include a determination regarding the presence of baffles and their condition, as well as the physical condition of the treatment tank. Presence and condition of observation port(s) shall also be reported.
  9. At all times, and in all phases of operations, pumper businesses and equipment operators shall comply with all laws and regulations regarding the activities associated with on-lot sewage disposal system maintenance and disposal of materials removed therefrom.
  10. The Owner shall not prevent the pumper truck operator from complying with the Townships pump-out and tank and site conditions reporting requirements. A copy of any report sent to the Township shall also be provided to the Owner.
- K. In addition to the requirements for initial tank pumping, periodic tank pumping shall include an inspection and a report to the Township on the required form. The required form shall be the "York County Sludge/Septage Manifest and Report" and shall be completed by pumper/hauler in its entirety.
- L. Any Owner of a building served by an aerobic treatment tank or an on-lot sewage system, which includes any electrically, mechanically, hydraulically or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment's manufacturer.
- M. The Township SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, services or repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, and diversion of surface water away from soil absorption areas.

## SECTION VII      Operation of Systems

- A. All systems shall be operated by the user in a manner that is in full compliance with the terms of this Ordinance, the Act and regulations, and the system's permit.
- B. Only sewage and normal domestic wastes shall be discharged into any sewage facilities.
- C. The following shall not be discharged into the sewage facilities:
  - 1. Industrial waste
  - 2. Fats and grease
  - 3. Motor oil
  - 4. Hazardous waste
  - 5. Chemicals including, but not limited to:
    - a. Pesticides and herbicides
    - b. Acids
    - c. Paint, paint thinner and solvents, including latex or water based paints
    - d. Wallpaper pastes and adhesives
    - e. Photo processing chemicals
  - 6. Down spout and/or roof drain discharges
  - 7. Sump pump and basement drain discharges
- D. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into a treatment tank.
- E. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities operated or owned by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.
- F. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from DEP.

## SECTION VIII      Right of Entry-Easements

- A. All permits for the installation of on-lot systems shall be conditioned upon adherence to Section XI – H, assigning a non-revocable grant of Right of Entry by the Owner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating, or repairing the on-lot system described in the application and permit.
- B. The grant of right of entry cannot be revoked, suspended or discontinued by the present or any future Owner.
- C. Any property on which an on-lot system presently exists, or on which an on-lot system is under construction, shall not be conveyed by the Owner without the inclusion of

language in the deed establishing and assigning a non-revocable grant of Right of Entry by the Owner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the on-lot disposal system described in the application and permit.

- D. In the event that the on-lot system is abandoned and not replaced by another on-lot system, and all sewage is collected and treated at a site not on the lot, the Township shall abandon the easement and right of entry which then shall cease.

SECTION IX.            Service Provider Business Registration

- A. Upon enactment of this Ordinance and for every year thereafter, each service provider shall register with the Township for the opportunity to provide on-lot septic pumping, inspection, and maintenance services to Owners located in the Township. Registration will be completed with the execution of the Pumper/Hauler Registration Agreement and payment of the registration fee, as may be in force at the time of registration, as set by the Board of Supervisors.
- B. At least thirty (30) days before offering pumping services to Owners that will enable their compliance with the terms of this Ordinance, all Service Provider businesses shall:
1. Register with the Township and comply with all reporting requirements established herein;
  2. Identify all employees/business owners and vehicles that will provide these services in the Township;
  3. Operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35P.S. § 6018.101-6018.1003);
  4. Provide documentation that all septage pumped from properties in this Township will be delivered to a DEP approved site or facility.
- C. At least thirty (30) days before offering inspection services to Owners that will enable their compliance with the terms of this Ordinance, all individuals and businesses shall:
1. Register with the Township and comply with all reporting requirements established herein;
  2. Document that there is at least one employee/business owner certified to perform on-lot Sewage Systems Inspections;
  3. Identify all employees/business owners that will provide these services in the Township;
- D. When there is a change in the personnel/employees or vehicles that provides services in accordance with this Ordinance, it shall be the duty and obligation of the business owner(s) to notify the Township of the changes within seven (7) days of the effective date of the change.

SECTION X.            Fees

The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this Ordinance.

SECTION XI.        Maintenance Groups Created

- A. The Township is hereby divided into four (4) groups, designated Group 1, 2, 3 and 4.
- B. Every on-lot system in the Township shall be inspected and every tank associated with every system shall be pumped at least one time by August 31, 2020.
- C. The requirements of this section shall become effective in a sequential manner:

<u>Group</u>	<u>First Pumping &amp; Inspection Shall be Completed By:</u>
1	August 31, 2017
2	August 31, 2018
3	August 31, 2019
4	August 31, 2020

- D. After the initial inspection and pumping, all tanks in all systems shall be pumped out at an minimum regular interval of once every four (4) years from the year of either the initial pumping or a subsequent pumping. Tanks that have been subjected to more frequent pumping by the nature of their size, loading rate or other system characteristics, should continue to receive that frequency of pumping. This Ordinance is NOT an instruction to reduce the frequency of pumping and should not be construed as such. This Ordinance establishes the minimum pump out requirement for all treatment tanks that do not exhibit characteristics that indicate more frequent pumping is required.
- E. The initial inspection shall meet the requirements of Section VI of this Ordinance.
- F. Owners may choose to have tanks pumped out more frequently. When more frequent pump-outs are undertaken in a manner consistent with Section VI of this Ordinance, the date of the next, regular pump-out shall be deemed to be the last day of the last month four years following the year of the voluntary pump-out.
- G. Inspections may also include, but are not limited to:
  - 1. Taking of samples from surface water, wells, and other groundwater sources;
  - 2. Sampling of the contents of the sewage disposal system;
  - 3. Introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and/or ultimate destination of wastewater generated in the structure.
- H. In the event that an Owner fails to obtain the required initial inspections or subsequent tank pump-out, the Township's Sewage Enforcement Officer shall have the right to enter upon land for the purposes of conducting inspections required by this Ordinance.
- I. Prior to entry for inspection, the Township shall give advance notice to the Owner of a property to enable the Owner to be personally present or be represented by an agent at the time of such entry.

- J. Advance notice shall be given at least twenty-four hours prior to entry and shall be by any of the following:
1. Telephone
  2. First Class U.S. Mail
  3. A written notice posted at the entrance for the structure or other place where it is likely to be seen by the Owner.
  4. If the property appears to be vacant, notice shall be given by First Class U.S. Mail to the Owner of record, at the last known address which appears in the records of the York County Tax Assessor's Office.
    - a. The notice shall be mailed at least seven days prior to intended entry date.
    - b. Where the Owner's name and/or address are not known, then notice shall be given by posting as described in subsection 3 above.
- K. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection established in this Ordinance.
- L. No provision of this Ordinance shall require notice to be given before entry, where it can be observed from a public street that an on-lot system is malfunctioning or being operated improperly.

SECTION XII. Abating Health Hazards - Liens

- A. Upon written notice from the SEO that an imminent health hazard exists due to failure of a Owner to properly operate, maintain, repair or replace an on-lot sewage system as provided under the terms of this Ordinance, the Board shall have the authority to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.
- B. The costs for the actual repair, repair permit and site investigations in support of the permit shall be borne by the Owner.
- C. The Township may take whatever action necessary to recover these costs in accordance with law, including entering a lien against the property.
- D. The Township may seek injunctive relief to prevent continued use of a malfunctioning on-lot sewage system.

SECTION XIII System Rehabilitation

- A. The Township shall compel corrective action whenever a malfunction is identified.
1. The Township shall issue a written notice of violation to any person who is the Owner of a property in the Township on which is found a malfunctioning on-lot sewage system, or on which is found a malfunctioning on-lot sewage system, or on which raw or partially treated sewage is discharged without a permit.

2. Within seven (7) days of notification by the Township that a malfunction has been identified, the Owner shall make application for a repair permit to abate the malfunction.
  3. Within thirty (30) days of the original notification by the Township, construction of the permitted repair or replacement shall commence, unless seasonal or unique conditions mandate a longer period, in which case the Township will set an extended commencement date.
  4. Within sixty (60) days of the original notification by the Township, the construction shall be completed, unless season or unique conditions mandate a longer period, in which case the Township will set an extended completion date.
- B. The Township shall compel, or may take, immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.
- C. The Township's SEO shall require the repair of malfunctions by any of the following methods, either individually or in combination, which are found in Pennsylvania Code Title 25. Environmental Protection and consistent with policies regarding Best Technical Guidance (BTG);
1. Cleaning;
  2. Repair or replacement of components of the existing system;
  3. Adding capacity or otherwise altering or replacing the system's treatment tank;
  4. Expanding or replacing the existing absorption area;
  5. Replacing a gravity distribution system with a pressurized system;
  6. Replace the system with a holding tank;
  7. Other alternatives as appropriate for the specific site to lessen or mitigate the malfunction to the greatest extent possible.
- D. If none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot system, the Owner is not absolved of responsibility for any negative effects caused by the malfunction.

#### SECTION XIV      Appeals – Hearings – Variance

- A. Any aggrieved party may appeal to the Board of Supervisors for relief from the strict application of the provisions of this Ordinance, when such constitute a demonstrable hardship.
- B. Appeals shall:
1. Be in writing;
  2. State the alleged hardship and the reason that strict adherence will cause that hardship;
  3. Include a description of the relief sought; and,
  4. Propose alternate methods or provisions that will, to the greatest extent possible, attain the purposes of this Ordinance.

- C. Appeal requests must be received by the Board within fifteen (15) days of the action being appealed and must be accompanied by the appropriate fee set by resolution by the Board.
- D. Within ten (10) days of receipt of an appeal, the Board of Supervisors shall schedule a hearing.
- E. The Board shall issue its decision within thirty (30) days of the end of the hearing.
- F. Only in the case of a demonstrated hardship may the Board, in its discretion, grant a variance from the provisions of this Ordinance.
  - 1. Any such variance shall, to the extent possible, provide for protection of the public health and the quality of the water resources of the Township.
  - 2. When in the opinion of the Board it is necessary to meet the purposes of this Ordinance, a variance may be conditioned upon measures not specified in this Ordinance.
- G. At all times, the burden to present credible evidence shall be upon the Owner seeking relief.
- H. Relief from Replacement Area Requirement.
  - 1. If any unimproved lot held in single and separate ownership does not contain suitable land for both a Primary Absorption Area and a Replacement Absorption Area, the Owner desiring to install an individual on-lot system may request that the Board grant an exception to the requirement of providing a replacement area.
  - 2. At a minimum, an Owner seeking relief shall present credible evidence to the Board demonstrating:
    - a. That the lot was held in single and separate ownership on the effective date of this Ordinance;
    - b. The size of the lot;
    - c. The results of soil evaluation and testing that were conducted and which determine that the soil conditions on the lot are of an extent or nature that only a primary area exists on the lot; and,
    - d. The inability of the applicant to acquire adjacent land, or the unsuitability of adjacent land which might be able to be acquired.
  - 3. Under this Subsection H, the Board may condition relief on a more frequent pumping schedule, use of water conservation measures or other appropriate management techniques.
- I. No lot shall be completely exempted from the requirements of this Ordinance regarding initial system inspection and/or periodic tank pumping

1. The required pump-out frequency for the treatment tanks may be altered by the Township. The SEO may reduce (shorten) the interval between pump-outs to assure proper operation of the system based on:
  - a. Loading rates which are greater than described in the permit for the system; or,
  - b. For other good cause.
2. The SEO may extend the required pump-out interval upon application where the Owner can demonstrate that the system can operate properly without the need for pump-out for a period longer than four years, provided that supporting documents conclusively verify:
  - a. Reduced system loading; or
  - b. Accumulation of sludge, scum or other residual materials to a level of less than one-third the liquid capacity of the tank; or,
  - c. For aerobic tanks, the manufacturer's recommendations that indicate a greater interval is appropriate.
  - d. A report from the SEO resulting from a site investigation indicating that no malfunction exists on the property; or,
  - e. The system is consistent with the permit that was issued for the property.
3. The applicant for the lengthened pump-out interval shall bear the cost of any SEO inspection necessary to verify the justifications for relief submitted by the applicant.
4. A one-time extension for a period of one year may be granted.
5. In no case shall the cumulative pump-out interval be greater than five (5) years.
6. Any altered pumping frequency shall automatically end when the factors upon which the altered requirements are predicted are removed or are no longer applicable.

#### SECTION XV      Violations – Penalties – Suspensions

- A. It shall be illegal to commence construction of a structure which will be served by an on-lot system without first obtaining a permit for the system.
- B. It shall be illegal to construct, alter or repair an on-lot system without first obtaining a permit for the installation or repair from the SEO.
- C. It shall be illegal to use an Individual Residential Spray Irrigation System without an executed maintenance agreement between the Owner and an association, trust or other private entity which is structured to and which accepts the responsibility for proper operation and maintenance of the IRSIS and having filed a copy of the agreement with the Township.
- D. It shall be illegal to fail to maintain the components of an on-lot system at the intervals specified in this Ordinance, or those specified by the equipment manufacturer.
- E. It shall be illegal for a pumper/hauler business to fail to file the necessary reports in accordance with SECTION VI, Subsection G, item 3.

- F. Any person who violates, or permits the violation of, any of the provisions of this Ordinance commits a summary offense and shall be subject to prosecution by the Township, and upon conviction before a Magisterial District Judge, shall be subject to a fine of not less than three hundred dollars (\$300) not more than one thousand dollars (\$1,000), plus costs of prosecution.
- G. Each day of continuing violation shall be considered a new and separate violation of this Ordinance and shall be subject to separate penalty.
- H. Any Service Provider business which has been convicted on two (2) occasions for violations of this Ordinance, or which fails to comply with any of the provisions of this Ordinance, or which violates the conditions of its DEP permit relating to the handling, treatment or disposition of septage materials, or of any State law or Township ordinance governing its operation, shall be barred from operating within the Township for a period of not less than six (6) months nor more than two (2) years, as determined by the Board.
- I. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the PA Sewage Facilities Act.

SECTION XVI      Severability

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of the Ordinance.

SECTION XVII      Repealer

All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Ordained and enacted this 17th day of August, 2016.

BOARD OF SUPERVISORS  
WARRINGTON TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

ATTEST:

Rene Brodsh  
Secretary

By: David Calderone  
John Dockey  
Debra L. Trump  
Thomas Hartig  
George H. Detrain