

Ordinance #2014-02
Newlin Township
Chester County, Pennsylvania

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT
OF ON-LOT SEWAGE DISPOSAL FACILITIES
IN NEWLIN TOWNSHIP OF CHESTER COUNTY, PA

Section 1. Short title; introduction; purpose.

- A. This ordinance shall be known and may be cited as "A Sewage Management Program for Newlin Township".
- B. As mandated by the Pennsylvania Clean Streams Law (35 P.S., Section 691.1) and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. as amended, 35 P.S., Section 750.1 et seq., known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. Newlin Township has made a commitment to formulate and implement a Sewage Management Program for all lots within the township utilizing on-lot sewage disposal systems.
- C. The purpose of this article is to provide for the maintenance, inspection and repair of on-lot sewage disposal systems; and to establish responsibilities for the proper administration of a Sewage Management Program.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABSORPTION AREA - A component of an individual or community sewage system where liquid from a septic tank seeps into the soil; it consists of an aggregate filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

CERTIFIED SEPTIC SYSTEM INSPECTOR - An individual qualified to perform septic system inspections as evidenced by a Sewage Enforcement Officer license issued by the Commonwealth of Pennsylvania or successful completion of inspection training through the Pennsylvania Septage Management Association (PSMA).

COMMUNITY SYSTEM - Any system, whether publicly or privately owned, for the collection of sewage from two or more residences or commercial buildings, and the treatment and/or disposal of the sewage on one or more lots or at any other site. This excludes systems that are owned and operated by sewer utilities.

LICENSED SEWAGE HAULER - A sewage hauler licensed by the Chester County Health Department and registered with Newlin Township.

ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS) - Any system for disposal of sanitary sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil through either a cesspool, an absorption area, or a sprayfield (Individual Residential Spray Irrigation Systems) for final treatment and disposal, including both individual sanitary sewage systems and community sanitary sewage systems.

PERSON - Any individual, company, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as having rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

SMALL FLOW SEWAGE TREATMENT FACILITIES (SFSTF) - These facilities serve single family residences, duplexes and small commercial establishments with domestic type sewage not exceeding 2,000 gallons per day. These facilities ultimately discharge treated wastewater directly to surface waters.

TREATMENT TANK - A tank that provides for aerobic or anaerobic decomposition of sewage to take place prior to discharge to an absorption area. This term shall also include all types of cesspools.

Section 3. Responsibilities of persons who own properties served by individual On-Lot Sewage Disposal Systems and Small Flow Sewage Treatment Facilities.

- A. Each person owning a building served by an OLDS or SFSTF, shall have their system pumped by a licensed sewage hauler within the time period:

On or before September 1, 2017, and on or before September 1 of each third year thereafter.

- B. Removal of septage or other solids from treatment tanks shall be performed once every three (3) years or whenever an inspection program reveals that the treatment tank is filled with solids or with scum in excess of $\frac{1}{3}$ of the liquid depth of the tank.
- C. The required pumping frequency may be increased at the discretion of either Newlin Township, the Chester County Health Department, or the Pennsylvania Department of Environmental Protection if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown.
- D. Any person owning a building served by an OLDS or SFSTF shall:
- (1) Have the system on their property inspected during the pumping activities in accordance with the Septic System Inspection Checklist as prepared by the Pennsylvania Septage Management Association.
 - (2) Provide the Township with a receipt documenting the date that the system was inspected and a copy of the inspection checklist. Such receipt and checklist must be submitted to the Township within 30 days of the inspection.
- E. Any person owning a building served by an OLDS that contains additional pre-treatment shall:
- (1) Follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping intervals for pre-treatment treatment tanks exceed those required for septic tanks. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this ordinance.
 - (2) Provide to the Township with a receipt documenting the service activities at the intervals specified by the manufacturer's recommendations. Such receipt must be submitted to the Township within 30 days of the cleaning or inspection.
- F. Any person owning a building served by an OLDS that is found to be in unsatisfactory condition shall:

(1) Have the OLDS repaired within 60 days from the date the unsatisfactory condition was identified, weather permitting.

(2) Provide the Township with a receipt documenting the date on which the system was repaired along with a copy of the Chester County Health Department permit authorizing the repair. Such receipt and permit must be submitted to the Township within 30 days of the completion of the repair.

G. Any person owning a building served by a SFSTF shall:

(1) Follow all requirements stated in the permit issued by the Pennsylvania Department of Environmental Protection, including maintenance of all pre-treatment equipment and water quality sampling and monitoring.

(2) Remain in compliance with the permit issued by the Pennsylvania Department of Environmental Protection, including all requirements through the National Pollutant Discharge Elimination System (NPDES) regulations.

Section 4. Rights of the Township

A representative of Newlin Township is authorized to and reserves the right to be on-site during any activities related to the pumping, maintenance, service, or repair of an OLDS or SFSTF.

Section 5. Notice to comply.

The Board of Supervisors of Newlin Township, or any officer of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the person who owns a property on which an on-lot sewage system is located, requiring such owner to pump, inspect or repair the on-lot sewage system and provide the Township with a receipt and other specified information documenting the date on which the on-lot sewage system was pumped, inspected or repaired.

Section 6. Fees.

Costs for the municipal administration of the management program, including maintaining on-lot system information and monitoring compliance, shall be assessed to property owners included in the program and will be set by municipal resolution. It shall be each individual property owner's responsibility to contract with a licensed sewage hauler and certified on-lot sewage system inspector for the pumping and inspection of the on-lot sewage system.

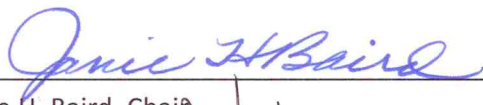
Section 7. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated the provisions of this article shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township of Newlin, pay a judgment of not more than \$1,000, plus all court costs, including reasonable attorney fees incurred by the Township of Newlin as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township of Newlin may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this article to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Newlin Township the right to commence any action for enforcement pursuant to this section.
- D. District Justices shall have initial jurisdiction in proceedings brought under this section.

ENACTED AND ORDAINED this 10TH day of November , 2014.



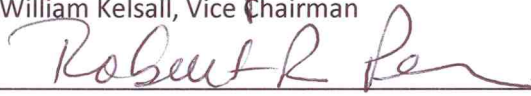
Gail A. Abel, Secretary



Janie H. Baird, Chair



William Kelsall, Vice Chairman



Robert R. Pearson, Member