

**ORDINANCE 2016-~~01~~**

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ONLOT  
SUBSURFACE SEWAGE DISPOSAL FACILITIES IN THE TOWNSHIP WEST  
PIKELAND, CHESTER COUNTY, PA.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of West Pikeland, Chester County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Short Title; Introduction; Purposes.

- A. This Ordinance shall be known and may be cited as “An Ordinance providing for a Sewage Management Program for West Pikeland Township”.
- B. 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 Pikeland Township to provide for adequate sewage treatment and disposal 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 West Pikeland 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.
- C. The purpose of this Ordinance is to provide for the regulation, inspection, maintenance, and rehabilitation of Individual Sewage Systems and Community Sewage Facilities (as hereinafter defined); 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.

Section 2. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. “Absorption Area” shall mean a component of an individual or community sewage system where liquid from a Treatment 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.
- B. “Act 537 Plan” shall mean a Municipality’s Official Plan as defined in the Pennsylvania Sewage Facilities Act, as of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§750.1-750.20a (“Sewage Facilities Act” or “Act 537”).
- C. “Authorized Agent” shall mean a Certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality

coordinator, [Chester County Health Department Licensed Liquid Waste Hauler](#) or any other person who is designated to carry out the provisions of this Ordinance as the agent of the Board or Chester County Health Department.

- D. “Board” shall mean the governing body of West Pikeland Township, Chester County, Pennsylvania.
- E. “Building Sewer” shall mean the piping carrying liquid wastes, from a building to the Treatment Tank, Holding Tank, Grinder Pump Tank, or sanitary sewer collection system.
- F. “Chester County Health Department (CCHD)” shall mean the designated Sewage Enforcement Officer (SEO) for West Pikeland Township or an employee of the Chester County Health Department.
- G. “Cleanout” shall mean a component of a Sewage Facility that provides access for inspection and cleaning the Building Sewer or other pipes.
- H. “Community Sewage Facility” shall mean a Sewage Facility whether publicly or privately owned, that receives and collects Sewage from two or more Improved Properties for treatment and disposal of the Sewage at another location.
- I. “DEP/the Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- J. “Distribution Box” shall mean a Tank with one inlet that provides equal distribution of Effluent from a Treatment Tank through two or more outlets.
- K. “Domestic Sewage” shall mean Sewage derived principally from dwellings, business buildings, institutions and the like, and may not contain groundwater, surface water or storm water.
- ~~L.~~ “Effluent” shall mean a liquid waste discharged from a sewage system or component of a sewage system.
- ~~L.M.~~ [“Holding Tank” shall mean a Tank which, on a temporary basis, holds Sewage which will be pumped out by a Pumper/Hauler Business and which then will be transported to a licensed facility for disposal.](#)
- ~~M.N.~~ “Improved Property” shall mean any property or lot within the Township upon which there is an erected structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sewage shall or may be discharged.
- ~~N.O.~~ “Individual Sewage System” shall mean a Sewage Facility and all of its components serving a single lot. Individual Sewage Systems include the following:
  - i. [Individual On-Lot Sewage Systems](#) rely on a subsurface absorption or surface infiltration system for the renovation of Sewage through native soils prior to disposal or the retention of Sewage in a Retaining Tank. Individual on-lot sewage systems are permitted through the Chester County Health Department and include but are not limited to the following systems defined by 25 Pa Code § 73.1:
    - (a) Conventional sewage systems;
    - (b) Alternate sewage systems;

- (c) Experimental sewage systems;
- (d) Bonded disposal systems;

- (e) Individual residential spray irrigation systems;
  - (f) Retaining tanks/ Holding tanks; and
  - (g) Grey Water systems.
- ii. Individual Sewerage Systems rely on other means than native soils to renovate Sewage prior to disposal or retention in a Retaining Tank. Individual sewerage systems include but are not limited to the following:
- (a) Gravity sewer connections – Where the Building Sewer connects to a gravity service lateral of a Community Sewage Facility;
  - (b) Pressure sewer connections – Where the Building Sewer is connected to a Tank containing a pump which conveys Sewage through a pressure sewer to either a gravity or pressure service lateral of a Community Sewage Facility; and
  - (c) Small flow treatment facilities – An Individual sewerage system permitted by the Pennsylvania Department of Environmental Protection that is designed to adequately treat Sewage flows no greater than 2,000 gallons per day with final disposal to surface waters, a dry stream channel, or storm water collection system.

Q.P. “Inspection Port” shall mean a component of a Sewage Facility that provides sufficient access for the inspection of the contents of a Tank.

P.O. “Maintenance” shall mean those actions required to provide for the long-term proper functioning of a sewage facility.

Q.R. “Malfunction” shall mean the condition which occurs when an Individual On-lot Sewage System ~~causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health fails to function in the expected or satisfactory manner per normal mode of operation.~~

R.S. “Official Sewage Facilities Plan” shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

S.T. “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.

F.U. “Person” shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, 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 local agency or municipal, public or private corporation for profit or not for profit.

~~U.V.~~ “Planning Module for Land Development” shall mean 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.

~~V.W.~~ “Primary Area” shall mean 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 Individual On-lot Sewage System, and which will be preserved and protected from alteration for installation of the initial Individual On-lot Sewage System for sewage generated on that lot, tract, or parcel (see Replacement Area)

~~W.X.~~ “Property Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

~~X.Y.~~ “Pump Tank” shall mean a Tank or chamber or pump that receives and temporarily stores Sewage or partially treated Sewage from which it is pumped or dosed. Pump Tanks include:

1. Effluent Pump Tank – A Tank that receives Septic Tank Effluent or partially treated Sewage and conveys the liquid portion of the wastewater to absorption system or other component of a Sewage Facility. Effluent pumps also include: Dosing Pumps, Lift Pumps, Dosing Siphons, and other specialized discharge control mechanisms; and
2. Grinder Pump Tank – A Tank that receives Domestic Sewage and contains a pump that macerates waste solids prior to ejection.

~~Y.Z.~~ “Pumper/Hauler Business” shall mean any sole proprietor, company, partnership or corporation which engages in cleaning any or all components of a community or Individual On-lot Sewer System and evacuates and transports the Septage cleaned therefrom, whether for a fee or free of charge.

~~Z.AA.~~ “Pumpers Report/Receipt” - Chester County Sludge/Septage Manifest and Report (Manifest) Form which shall be used by all licensed Pumpers/Hauler’s to report each pumping of on-lot sewage disposal systems in the Township.

AA. “Pumper/Hauler Truck Operator” shall mean 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.

BB. “Regulations” shall mean the Pennsylvania Code, Title 25, Chapters 71, 72 and 73.

CC. “Rehabilitation” shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

DD. “Replacement Area” shall mean 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).

- EE. “Responsible Management Entity” or “RME” shall mean an individual, firm or corporation experienced in the operation and maintenance of Sewage facilities, who is [licensed or registered with the Chester County Health Department or the Township](#) to perform such services. RME’s may also include through a general oversight agreement with the Township such entities as Municipal Authorities, Investor Owned Public Utility Companies and Homeowner Associations.
- FF. “Retaining Tank” shall mean a Tank that retains Sewage and is designed and constructed to facilitate ultimate disposal of the Sewage to another site. Retaining Tanks include:
1. Chemical toilet – A permanent or portable non-flushing toilet using chemical treatment in a Retaining Tank for odor control.
  2. Holding tank – ~~A Tank, whether permanent or temporary, to which Sewage is conveyed by a water carrying system.~~
  3. Privy – A Tank designed to receive Sewage where water under pressure is not available.
  4. Incinerating toilet – A device capable of reducing waste materials to ashes.
  5. Composting toilet – A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
  6. Recycling toilet – A device in which the flushing medium is restored to a condition suitable for reuse in flushing.
- GG. “Septage” shall mean the residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.
- HH. “Sewage” shall mean any substance that contains any of the waste products or 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, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law, 35 PS §§ 691.1- 691.1001, as amended.
- II. “Sewage Enforcement Officer (SEO)” shall mean a person certified by the State Board for the Certification of Sewage Enforcement Officers, who is employed by the Township or Chester County Health Department (CCHD) 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.
- JJ. “Sewage Facility” shall mean an all-inclusive term for a Sewage collection, conveyance, treatment, and disposal system.
- KK. “Sewage Management District” shall mean any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board of Supervisors as an area for which a Sewage Management program is to be implemented.

- LL. “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 of Supervisors to effectively enforce and administer this ordinance.
- MM. “Sewer System” shall mean a system of pipes that collect Sewage from several Improved Properties; Sewer Systems include Pressure and Gravity Sewer Systems or any combination of both.
- NN. “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.
- OO. “System Failure” shall mean the condition in which one or more malfunctions results in pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or a hazard to public health.
- OO. “Tank” shall mean a water-tight receptacle which liquids pass through or are retained in.
- PP. “Tank Access Cover” shall mean a component of a Sewage Facility that provides access for inspection, cleaning and maintenance of the internal components of a Tank.
- QQ. “Township” shall mean West Pikeland Township, Chester County, Pennsylvania.
- RR. “Treatment Tank” shall mean a Tank designed to provide a suitable environment for the bacterial decomposition or disinfection of Sewage. Treatment Tanks include:
1. Septic Tank – A Treatment Tank or compartment of another Tank that provides for the anaerobic decomposition and the physical separation of solids in Sewage.
  2. Aerobic Sewage Treatment Tank – A Treatment Tank or compartment of another Tank that provides for the aerobic biochemical stabilization of solids in Sewage.
  3. Filter Tank – A Treatment Tank or compartment of another Tank that contains a media to which microorganisms attach and provide a suitable environment for the biochemical stabilization of solids in Sewage.
  4. Chlorine Contact Tank - A Treatment Tank or compartment of another Tank that provides a suitable environment for the disinfection of Effluent.

### Section 3. Applicability

From the effective date of this Ordinance, its provisions shall apply to all portions of the Township served by individual or community sewage systems. Within such an area or areas, the provisions of this Ordinance shall apply to all persons owning any property serviced by an individual or community sewage system and to all persons installing or rehabilitating individual or community sewage systems.

### Section 4. Permit Requirements

- A. No Person shall install, construct or request bid proposals for construction, or alter an Individual Sewage System or Community Sewage Facility 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 Facility 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.

- 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 a Sewage Enforcement Officer. If 72 hours (i.e. three business days) have elapsed, excepting Sundays and Holidays, since the Sewage Enforcement Officer 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.
- C. 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.
- D. 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.
- 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 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.
- F. No Individual On-lot Sewer System shall be altered, extended, augmented, ~~or~~ modified ~~or repaired~~ without the issuance of a repair permit by the SEO.
- G. No Individual On-lot Sewer System shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
- H. Permit applications for Individual On-lot Sewer 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.
- I. Sewage permits may be issued only by a Sewage Enforcement Officer (SEO) employed by the Chester County Health Department (CCHD). A copy of the permit shall be furnished to the Township.

| [\[resident suggested deleting all Section 4 as duplicating SEO requirements\]](#)

## Section 5. Inspections

- A. Any Individual Sewage System and Community Sewage Facility may be inspected by an Authorized Agent at any reasonable time as of the effective date of this Ordinance.
- B. Such inspection may include a physical tour of the ~~property~~ Individual Sewage System or Community Sewage Facility and its related components, the taking of samples from surface water, wells, or 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 within the structure.
- C. An Authorized Agent shall have the right to enter upon land for the purposes of inspections described in this section.
1. An initial inspection shall be conducted by ~~an Authorized Agent~~ a Chester County Health Department Licensed Liquid Waste Hauler within three (3) years of the effective date of this Ordinance for the purpose of determining the type and functional status of each sewage disposal system in the Township. Thereafter, On-Lot Sewage Disposal Systems must be inspected every three (3) years. The Township inspection shall be conducted in accordance with all applicable state and federal regulations. All costs associated with inspection, pumping and remediation shall be the responsibility of the property owner; the fees associated with the Township services shall be established by resolution of the Board of Supervisors.
  2. The Township shall send, via regular U.S. Mail, notice to the property owner that the On-Lot Sewage Disposal System is due for inspection and certification. Within forty-five (45) days from receiving notice of intent to inspect from the Township, the owner must schedule an appointment with the appropriate entity. No notice will be sent if the County records reflect that the system has been pumped, inspected and passed inspection within three (3) years.
  3. At the time of the scheduled inspection the owner shall cause the On-Lot Sewage Disposal System to be pumped so that it may be inspected by the ~~appropriate entity~~ Chester County Health Department Licensed Liquid Waste Hauler. ~~The Tank shall not be pumped until the appropriate entity has visually inspected the tank.~~
  4. 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.
- D. It is recommended that Sewage Facilities ~~shall~~ be routinely inspected by the Property Owner or a Responsible Management Entity in accordance with the following schedule:
1. Monthly - Retaining Tanks to be checked for water-tightness and structural integrity; also remove Septage and solids when 75% full.
  2. Semi Annually - Individual Residential Drip Irrigation Systems permitted in accordance with 25 Pa Code § 73.167.

3. Annually - Absorption Areas, Cleanouts, Tank Access Covers, and Inspection Ports; surface contouring to be checked to see that storm water is diverted away, maintain ground cover and provide protection from physical damage.

[\[resident suggested that 5 A-F be deleted as redundant\]](#)

4. Annually - Pumps, aerators, any and all electrical, mechanical and chemical components, alarm devices, disinfection equipment to be checked for proper operation in accordance with manufacturer's instructions and recommendations.
5. Once every three years - All Tanks, including but not limited to Treatment Tanks, Pump Tanks, and Distribution Boxes to be checked for water tightness, structural integrity and settlement of the structure, and remove excessive amounts of solids and scum.

~~E.A. 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.~~

~~F.A. 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.~~

#### Section 6. Operation.

- A. Property Owners are responsible to properly operate the Sewage Facilities on their individual properties; this includes providing where necessary electrical power and access to communication service for the operation of the Sewage Facilities and to respond to any alarm notification.
- B. Property Owners shall not introduce or dispose of any substance into any Sewage Facility that would cause harm or in any way interfere with the proper operation of the Sewage Facility.
- C. Only normal domestic wastes shall be discharge into any Sewer Facilities. The following shall not be discharge 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 (excluding household cleaners and non-incident cleaning products), acids, paints, paint thinners, herbicides, gasoline, and other solvents; or

4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.

#### Section 7. Maintenance

- A. Maintenance Agreements: Sewage Facilities operated and maintained by any person other than the Property Owner shall be through a maintenance agreement between the Property Owner and a Responsible Management Entity (RME). The RME shall provide the Property Owner and the Municipality an inspection and maintenance report within the three year cycle. The report shall be routed via the County Septage Management System.
- B. Each person owning a building served by an Individual On-lot Sewage System which contains a septic tank shall have the septic tank pumped by a Chester County Health Department licensed Pumper/Hauler at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank[3-5 years suggested]. Receipts from the Chester County Health Department licensed Pumper/Hauler shall be submitted to the Township within the prescribed three year pumping periods. The ~~report~~ receipts shall be routed via the County Septage Management System.
- C. The required pumping frequency may be increased at the discretion of an Authorized Agent 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. All Individual On-lot Sewage System pumping shall be performed in accordance with Chapter 504 of the Chester County Health Department regulations and shall also conform to the following minimum standards, unless other standards are specified by an equipment manufacturer.
  1. At all times, the Pumper Truck Operator's personal safety, as well as protection of the environment and the landowner's property, shall receive the highest priority.
  2. Tanks shall only be pumped from or through the manhole or access port (i.e., the largest tank opening).
  3. Tanks shall not be pumped from or through the observation or Inspection Port.
  4. When necessary to break up solids, backwashing with clean water or material of a similar nature 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 or refill the tank to a level greater than 12 inches below the elevation of the outlet pipe.
  6. No liquids or solids are to be discharged into or through the outlet pipe.
  7. Tanks shall be deemed to be cleaned when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch.

8. At all times, and in all phases of operations, the Pumper/Hauler shall comply with all laws and regulations regarding the activities associated with Individual On-Lot Sewage System maintenance and disposal of materials removed therefrom.
- E. Any person owning a building served by an Individual On-Lot Sewage System which utilizes any components or technologies deemed by DEP to require more detailed operation and maintenance requirements than provided for in this Ordinance, including but not limited to Individual Residential Drip Irrigation Systems, Alternate Systems, or Experimental Systems shall be further subject to the maintenance responsibilities recommended by DEP for said system. The Township may impose additional requirements as deemed necessary to provide for the increased oversight inherent in these cases, including but not limited to collection of an annual fee and additional financial security.
- F. Surface contouring shall be required as necessary to direct surface water and drainage away from all components of Individual On-Lot Sewage Systems.
- G. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the Pumper/Hauler Business or from any other qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. ~~Any person whose septic tank baffles are determined to require repair or replacement shall first contact a Sewage Enforcement Officer for approval of the necessary repair.~~
- H. Any person owning or building served by an On-Lot Sewage 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 months of the effective date of this ordinance.
- I. Additional maintenance activity may be required as needed including, but not limited to, providing reasonable access to initial treatment unit, cleaning and unclogging of piping, servicing and the repair of mechanical and electrical equipment, leveling of Distribution Boxes, Tanks and lines, removal of obstructing roots or trees, etc.
- J. Property Owners with an Individual Sewage System connecting to a public or private Sewage Facility shall operate and maintain their Individual Sewage Systems in accordance with any rules, regulations, and all other requirements of the receiving Community Sewage Facility, including paying fees for collection, conveyance, treatment, and disposal of Sewage, and the maintenance of certain components of their Individual Sewage System.
- K. Property Owners with an Individual Sewage System connecting to a public or private Sewage Facility by means other than with a Building Sewer shall retain the services of an RME to maintain their Individual Sewage System unless the Individual Sewage System is maintained by the Community Sewage Facility.

Section 8. System Rehabilitation

A. No person shall operate or maintain an Individual On-lot Sewage System in such a manner to constitute a Malfunction. Any suspected Malfunction shall be reported to the Chester County Health Department, who shall make a final determination as to functional status and rehabilitation measures required. Any person owning a building served by an On-lot Sewage Disposal System determined to be in a state of Malfunction by the Chester County Health Department shall perform all corrective measures required to abate the Malfunction. The Chester County Health Department shall have the authority to require abatement 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 initial treatment unit, expanding the existing disposal areas, replacing the existing disposal area, replacing the system with a Retaining Tank, frequent pumping, or any other alternative appropriate for the specific site.

E. 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.

F. 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.

B. 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.

C. Within ~~seven (7)~~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 ~~30~~45 days of initial notification by the Township, construction of the permitted repair or

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replacement shall commence. Within 60 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 may set an extended completion date.

- D. In the event other remedies described in this Ordinance fail to abate a Malfunction, the Chester County Health Department and/or the Township's Authorized Agent 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.
- E. Should none of the remedies described in this Ordinance be effective in eliminating the Malfunction of an existing Individual On-Lot Sewage System, the Property Owner is not absolved of responsibility for that Malfunction. The Township and the Chester County Health Department may require whatever action is necessary to lessen or mitigate the Malfunction to the extent necessary.
- F. There may arise geographic areas where numerous Individual On-Lot Sewage Systems are known or are suspected to be 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. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, mandatory 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 may be compelled whenever a Malfunction, as determined by the Chester County Health Department, represents a serious public health or environmental threat.

#### Section 9. Duties and Responsibilities of Responsible Management Entities.

- A. Registration Requirements - Any RME offering or performing installation, inspection, operation, or maintenance services on any Sewage Facility in the Township shall register with the County each year unless the RME has as a general oversight agreement with the County.
- B. Reporting Requirements – RMEs shall provide the Property Owner a copy of any and all inspection and maintenance reports including any supplemental report. In addition RMEs shall supply applicable information to the County. The report shall be routed via the County Septage Management System.
- C. Evaluations of Sewage Facilities – Any person performing an evaluation of a Sewage Facility for a real estate transaction or a mortgage refinancing shall also be a registered RME and comply with reporting requirements above.
- D. Spare parts and miscellaneous materials – RMEs shall maintain an inventory of spare and replacement parts and other miscellaneous materials to make all reasonable repairs to systems they are contracted to provide service for.
- E. Emergency Services - RMEs shall include emergency services in all service and maintenance agreements that provide 24 hour contact information. This contact information shall be posted on or near a component of the sewage system in plain sight. If the RME is not licensed to pump and transport liquid waste by the Chester County Health Department, the RME shall provide a subcontract with a licensed liquid waste transporter who would be on 24 hour call to abate any nuisance or Malfunction.  
[\[resident suggested deletion of section 9 as not applicable to residential units\]](#)

#### Section 10. Liens

The Township, upon written notice from the Chester County Health Department that an imminent health hazard exists due to failure of Property Owner to maintain an Individual On-Lot Sewage System, shall [immediately notify the Property Owner of the determination. The Property Owner shall promptly act to obtain a permit from the Chester County Health Department within five \(5\) working days and promptly commence and complete construction per the agreed timeline with the Chester County Health Department and the Township. If the Property Owner fails to meet the agreed schedule, the Township shall](#) have the authority to perform, or contract to have

performed, the work required by the Chester County Health Department. The Property Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with applicable law.

[\[resident suggested that this is not required\]](#)

Section 11 Disposal of Septage

- A. All Septage originating within the Township 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.
- B. Pumper/Haulers operating within the Township 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), all other applicable laws, and Chester County Health Department regulations. [\[resident suggested that this is not required\]](#)

Section 12. 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 an Authorized Agent and may include an administrator and such other persons as may be necessary.~~ The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance. [The Township may appoint its Engineer or the Township Manager as its Authorized Agent to act on its behalf.](#)
- C. The Township’s Authorized Agent shall have the right to enter upon land for the purpose of administering the provisions of this Ordinance [upon obtaining an administrative search warrant.](#)
- D. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Sewage Management Program shall be made available for inspection consistent with the provisions of the Open Records Law.
- E. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- F. The Board may by resolution establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this Ordinance.

Section 13. Appeals

- A. 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.
- B. 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 unless another mutually agreed date is selected. 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 thirty (30) days of the date of the hearing.

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In the event an Appeal is requested with respect to a Chester County Health Department designated "imminent health hazard", The Property Owner and the Board of Supervisors shall work together to hold a hearing and render a decision within the timelines required for Property Owner action under this Ordinance.

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C. Section 14. Penalties

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Any person failing to comply with any provision of this Part shall be subject to a fine in the amount ~~of not to exceed~~ one thousand dollars (\$1,000) ~~[\$100][or 50 to \$1,000]~~ for each and every violation, or in default thereof shall be confined in the county jail for a period of not more than ninety (90) days. Each day following the forty-five (45) day scheduling period provided in Section 5 hereof without the owner making arrangement for inspection with the Township and/or failure to have Sewage System inspected, certified, and pumped shall constitute a separate and distinct offense.

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#### Section 15. Repealer.

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

#### Section 16. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, it being the intent of West Pikeland Township, Chester County that such remainder shall be and shall remain in full force and effect.

This Ordinance shall become effective within five (5) days of its adoption.

ENACTED AND ORDAINED into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2015,  
by the Board of Supervisors of West Pikeland Township, Chester County, Pennsylvania, in  
lawful sessions duly assembled.

**ATTEST:**

**BOARD OF SUPERVISORS**

\_\_\_\_\_  
Jonathan Slaven, Township Secretary

\_\_\_\_\_  
Richard Bright, Jr., Chairman

\_\_\_\_\_  
Harold Hallman III, Vice Chairman

\_\_\_\_\_  
Pamela Conti, Supervisor

\_\_\_\_\_  
Ernie Holling, Supervisor

\_\_\_\_\_  
Charles Humphreys, Supervisor