

# Ordinance No. 7 of 2009

## Table of Contents

- Section I. Short Title-- Introduction; Purpose
- Section II. Terms and Definitions
- Section III. Applicability
- Section IV. Permit Requirements
- Section V. Ground Markers
- Section VI. Inspections
- Section VII. Operation
- Section VIII. Maintenance
- Section IX. System Rehabilitation
- Section X. Liens
- Section XI. Disposal of Septage
- Section XII. Administration
- Section XIII. Appeals
- Section XIV. Penalties
- Section XV. Repealer
- Section XVI. Severability

ORDINANCE No. 7 of 2009

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF  
ONLOT SEWAGE SYSTEMS IN  
SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA.

BE IT ORDAINED by the Supervisors of Silver Spring Township, Cumberland County,  
Pennsylvania, as follows:

Section I. Short Title- Introduction; Purpose

- A. This ordinance shall be known and may be cited as "The Sewage Management Program for Silver Spring Township."
- B. As mandated by the municipal codes, the Clean Streams Law (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), 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. The Official Sewage Facilities Plan for Silver Spring Township indicates that it will 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 inspection, maintenance and rehabilitation of onlot sewage systems; to further permit the Township to intervene 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 II. Terms and Definitions

- A. General Terms. In the interpretation of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Specific Terms. For the purposes of this Ordinance, the terms used shall be construed to have the following meanings:

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

Alternate Sewage System – A demonstrated method for the treatment and disposal of sewage that meet the criteria in Chapter 73.72, and are described in the Alternate

Systems Guidance published by DEP. Examples include composting toilets, sand filter and peat based systems, greywater systems, and drip irrigation systems.

**Authorized Agent** – A certified sewage enforcement officer, building inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Board of Supervisors of Silver Spring Township to carry out the provisions of this Ordinance.

**Board** – The Board of Supervisors of the Township.

**Building Code Official** – An official agent of Silver Spring Township that is charged with the responsibility of reviewing and inspecting building design and construction to insure compliance with the current building codes that are in force.

**Codes Enforcement Officer (C.E.O.)** – An individual employed by the Township to administer and enforce other ordinances in the Township.

**Community Sewage System** – A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at another site.

**DEP or Department** – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

**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 400 gallons per day.

**Individual Sewage System** – Any system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

**Land Development** – A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et seq.

**Lot** – a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Malfunction** – The condition that occurs when an onlot sewage system discharges sewage onto the surface of the ground, into the groundwater or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health for any length of time during any time of the year. Indications of malfunctioning systems include, but are not limited to: foul odors,

lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, and surfacing sewage effluent flowing over the ground.

Municipality – Silver Spring Township, Cumberland County, Pennsylvania.

Official Plan – A comprehensive plan for the provision of adequate sewage systems adopted by the Township and approved by the Department in accordance with Act 537 and with applicable Department regulations.

Onlot Sewage System – Any sewage system that collects, treats and disposes of sewage in whole or in part into the soil, or retention in a retaining tank, and which is located upon the lot that it serves.

Owner – Any person, corporation, partnership, etc. holding deed/title to lands and/or property within Silver Spring Township.

Person – Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term person is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Ordinance, the term person shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

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

Rehabilitation – Work done to modify, alter, repair, enlarge or replace an existing onlot sewage system.

Replacement Area – An area designated as the future location of an individual onlot sewage system that shall be installed should the initial individual onlot system installed or to be installed fails or otherwise becomes inoperable and which shall meet all the regulations of the Department and all applicable Township ordinances for an individual onlot sewage system, and shall be protected from encroachment by an easement recorded on the Final Plan as filed with the Cumberland County Recorder of Deeds.

Sewage – Any substance that contains the waste products or excrement or other discharge from the bodies of human beings or any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

Sewage Enforcement Officer (SEO) – A person certified by the Pennsylvania Department of Environmental Protection in accordance with Chapter 71, Administration of

Sewage Facilities Program of Title 25, Rules and Regulations; to perform percolation tests, site and soil evaluation, and issue sewage permits for onlot sewage systems. The Sewage Enforcement Officer of the Township.

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 and sanitary treatment and disposal of sewage.

Sewage Management District – Any area or areas of the Township designated in the Act 537 Plan adopted by the Board as an area where sewage management is to be implemented.

Sewage Management Program – A comprehensive set of legal and administrative requirements including this ordinance, the Act, the Clean Streams Law, and all regulations and requirements adopted by the Board to enforce and administer this ordinance. The management program shall encompass the entire area of Silver Spring Township served by onlot sewage systems or any alternate systems which discharge into the soils of the Township. All systems shall be operated and maintained under the jurisdiction of the Silver Spring Township Board of Supervisors regulating onlot systems and/or alternate systems, and other applicable laws of this Commonwealth.

Subdivision – A division of a lot, tract or other parcel of land as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et seq.

Township – The Township of Silver Spring, Cumberland County, Pennsylvania.

Reference Source. All other definitions of words and terms used in this Ordinance shall have the same meaning as set forth in Chapters 71, 72, and 73 of Title 25. Environmental Protections, Rules and Regulations, Department of Environmental Protection.

### Section III. Applicability

- A. From the effective date of this ordinance, its provisions shall apply to all persons owning any property served by an onlot sewage system and to all persons installing or rehabilitating onlot sewage systems. The entire Township is, therefore, included in the management program.

### Section IV. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system, or construct or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system

are in compliance with the provisions of the Pennsylvania Sewage Facilities Act and the standards adopted pursuant to that Act.

- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal sewage enforcement officer. If 72 hours 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. The Township may require applicants for sewage permits to notify the Township's sewage enforcement officer of the schedule for construction of the permitted onlot sewage system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Township's sewage enforcement officer.
- D. No building or occupancy permit shall be issued by the Township or its Building Code Official for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's 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 the Township's Building Code Official and the structure's owner receive from the Township's sewage enforcement officer either a permit for alteration or a replacement of the existing sewage system or written notification 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. Sewage permits may be issued only by a sewage enforcement officer employed by the Township for that express purpose. The Department of Environmental Protection shall be notified by the Township as to the identity of their currently employed sewage enforcement officer.
- G. No sewage permit may be issued unless proof is provided that the owner of record has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the Township.
- H. No final Act 241 approval on a subdivision plan may begin until Act 537 planning is approved by the Township.

#### Section V. Ground Markers

Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Township's sewage enforcement officer. In addition, a riser or access hatch shall be constructed so as to

enable easy access to the waste disposal tank, and prevent odors from escaping and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four (4) inch vertical, non-perforated PVC pipe connected directly to the drain tile at a minimum of four (4) locations in the drainage field. If not installed by the Township or its authorized agent, such installation shall be subject to its approval.

## Section VI. Inspections

- A. Any onlot sewage system may be inspected by the Township's authorized agent at any reasonable time as of the effective date of this ordinance.
- B. The inspection shall include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The owner will bear the cost of the inspection and the analysis of any sample(s).

A copy of the inspection report shall be furnished to the owner and current resident which shall include all of the following information that is reasonably available to the individual or agency responsible for pumping the septic tank:

1. Date of inspection.
  2. Name and address of system owner.
  3. Description and diagram of the location of the system including location of access hatches, risers, and markers.
  4. Size of tanks and disposal fields.
  5. Current occupant name and number of users
  6. Indication of any system malfunction observed.
  7. Results of any and all soils and water tests.
  8. Any remedial action required.
- C. The Township's authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:
    1. The SEO will commence a procedure to obtain a search warrant from the District Justice.

2. Upon receipt of a search warrant to inspect the property, the authorized agent of the Township may be accompanied by a Township police officer, and the inspection shall be completed in accordance with this subsection.

D. A schedule of routine inspections may be established by the Township, if necessary, to assure the proper function of the septic systems in the Township.

E. The Township's authorized agent shall inspect septic systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the Township shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Township or a representative of the Pennsylvania Department of Environmental Protection, action by the property owner to mitigate the malfunction shall be required.

F. There may arise geographic areas within the Township where numerous onlot sewage systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a Township sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage systems within the study area may be delayed, at the discretion of the Township, pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction, as determined by Township officials or the Pennsylvania DEP, represents a serious public health or environmental threat.

Inspections may be conducted as a result of a written complaint submitted by a resident of the municipality to the Township or Township's authorized agent. Persons providing a written complaint shall be required to sign a False Swearing Statement.

## Section VII. Operation

A. Only normal domestic wastes shall be discharged into any onlot sewage system. The following shall not be discharged into the system:

1. Industrial waste.
2. Automobile oil and other non-domestic oil.
3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

## Section VIII. Maintenance

- A. Any person owning a building served by an onlot sewage system, which contains a septic tank shall have the septic tank pumped by a designated pumper/hauler within sixty (60) days of date shown on the pumping notification sent by the Township. The septic tank shall be pumped at least once every five (5) years, in accordance with a schedule established by the Township utilizing the Sewer Management District Location Map of the Official Sewer Facilities (Act 537) Plan, as illustrated in Exhibit A of this ordinance. This requirement shall apply to both septic and dosing tanks for pressure-dosing systems.
- B. The required pumping frequency may be increased at the discretion of the 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.

The Township may allow the owner's septic tanks to be pumped at alternating intervals after the initial pumping if the owner can demonstrate to the Township that the system can operate properly without the need for pump out for a period longer than five ( 5 ) years. Such a request may be made at any time and must be in writing with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the Township Sewage Enforcement Officer upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system including documentation that the sludge depth and/or scum layer is less than one third (1/3) of the tank capacity as demonstrated and confirmed by a certified hauler, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within thirty (30) days of accumulation of all necessary information by the Township.

- C. Any person owning a property served by a septic tank shall obtain, with each pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the municipality, 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 the municipality's certified sewage enforcement officer for approval of the necessary repair.

Each time a septic tank or other subsurface waste disposal system tank is pumped out, the septage waste hauler shall provide to the owner of the sewage system a signed receipt containing the following information:

1. Date of pumping.
2. Name and address of system owner.
3. Address of tank's location, if different from owner's.

4. Description and diagram of the location of the tank, including the location of any markers, risers, and access hatches and size of the tank.
  5. Age of the system.
  6. Last date of pump out.
  7. List of other maintenance performed.
  8. Any indications of system malfunction observed.
  9. Amount of septage or other solid or semi-solid material removed.
  10. Waste hauler's township permit number authorizing it to collect and haul septage in Silver Spring Township.
  11. List of recommendations.
  12. Destination of the septage (name of facility, location of land application site).
  13. A copy of the pumper's report or receipt must be received at the municipal office within thirty (30) days of the date of the pumping.
- D. Any person owning a building served by an alternate system or onlot sewage system that 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. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.
- E. Any person owning a building served by a cesspool or dry well pit privy shall secure a permit from the SEO for the installation of an onlot sewage system. Any onlot systems utilizing metal tanks shall be replaced with tanks of concrete construction. Permitting shall be obtained prior to the commencement of any replacement work.
- F. The Township may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc. Permitting may be required for this work.

#### Section IX. System Rehabilitation

- A. No person shall operate or maintain an onlot sewage system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener

backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Protection.

- B. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township which is found to be served by a malfunctioning onlot sewage system or which is discharging raw or partially treated sewage without a permit.
- C. Within fifteen (15) days of notification by the Township that a malfunction has been identified, the property owner shall make applications to the Township's sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within sixty (60) days of initial notification by the municipality, construction of the permitted repair or replacement shall commence. Within ninety (90) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
- D. The Township's sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described above, the sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether, etc.
- F. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing onlot sewage system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

#### Section X. Liens

The municipality, upon written notice from the sewage enforcement officer that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an onlot sewage system as provided under the terms of this ordinance, shall have the authority to perform or contract to have performed, the work required by the sewage

enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered thereon in accordance with law.

#### Section XI. Disposal of Septage

- A. All septage pumper/haulers operating within the Township shall be registered with the Township and shall comply with all reporting requirements established by the Township.
- B. All septage originating within the Township shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

All registered pumpers shall:

- 1. Complete a pumper's report and provide a copy thereof to the landowner and the Township for each tank pumped.
  - 2. Provide annual licensing fee to the Township.
- C. Septage 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). Any septage pumper/hauler who violates any of the provisions of this Part or regulations of Silver Spring Township, the conditions of its State permit, or of any State or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this Part, or for violating the conditions of its State permit, or of any State or local law governing its operation, the Board of Supervisors shall have the power to suspend said pumper/hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Township. Each day the violation continues shall constitute a separate offense.

#### Section XII. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a certified sewage enforcement officer and may include a Building Code Official, secretary, administrator or other persons as required. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.

- C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of onlot sewage systems in the Township shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the Township office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the municipality's sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.
- D. The Township Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Board of Supervisors shall establish by resolution a fee schedule, and subsequently collect fees, to cover the Township's cost of administering this program.

### Section XIII. Appeals

- A. Appeals from decisions of the Township or its authorized agents under this ordinance shall be made to the Township Board of Supervisors in writing within forty-five (45) days from the date 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 the appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Township shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the municipality. 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 forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the release sought by the appellant shall be deemed granted.

### Section XIV. Penalties

#### Notice of noncompliance

Any person failing to comply with any provisions of this ordinance shall be subject to a fine of not less than five hundred dollars (\$500) and costs, and not more than five thousand dollars (\$5,000) and costs, or in default thereof shall be confined in the county jail for a period of not more than ninety (90) days. Each day of noncompliance shall constitute a separate offense.

Section XV. Repealer

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

Section XVI. Severability

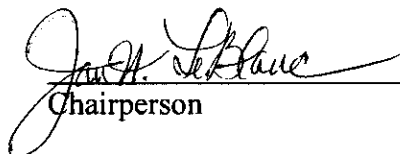
If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable there from.

Duly Enacted and Ordained this 25<sup>th</sup> day of February, 2009, by the Board of Supervisors of Silver Spring Township, Cumberland County, Pennsylvania, in lawful sessions duly assembled.

ATTEST:

Board of Supervisors of the Township of  
Silver Spring, Cumberland County

  
Secretary

  
Chairperson