



ORIGINAL

**TOWNSHIP OF SOUTH FRANKLIN  
Washington County, Pennsylvania**

**ORDINANCE NO. 2016-2**

**AN ORDINANCE GOVERNING MANAGEMENT OF ONLOT SUBSURFACE SEWAGE DISPOSAL FACILITIES IN THE TOWNSHIP OF SOUTH FRANKLIN, WASHINGTON COUNTY, PENNSYLVANIA.**

The Board of Supervisors of the Township of South Franklin, in the County of Washington, and the Commonwealth of Pennsylvania, hereby ordains:

**SECTION I – SHORT TITLE; INTRODUCTION; PURPOSE**

- A. This ordinance shall be known and may be cited as “An ordinance providing for a Sewage Management Program for South Franklin 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 South Franklin Township 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 South Franklin Township indicated 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 onlot sewage disposal systems; 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 II – DEFINITIONS**

- A. “Authorized Agent” shall mean a sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of South Franklin Township or Washington County Sewage Council (WCSC) to administer or enforce the provisions of this ordinance.
- B. “Board” shall mean the Board of Supervisors, South Franklin Township, Washington County, Pennsylvania.

- C. "Community Sewage System" shall mean any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.
- D. "Department" shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. "Individual Sewage System" shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.
- F. "Malfunction" shall mean a condition which occurs when an onlot sewage disposal system discharges sewage into the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- G. "Official Sewage Facilities Plan" shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- H. "Onlot 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.
- I. "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.
- J. "Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing onlot sewage disposal system.
- K. "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 substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended.



- L. "Sewage Enforcement Officer (SEO)" shall mean a person certified by DEP who is employed by the Township or WCSC. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.
- M. "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 to effectively enforce and administer this ordinance.
- N. "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.
- O. "Township" shall mean the Township of South Franklin, Washington County, Pennsylvania.
- P. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

### **SECTION III – APPLICABILITY**

From the effective date of this ordinance, its provisions shall apply in all portions of the Township. The provisions of this ordinance shall apply to all persons owning any property serviced by an onlot sewage disposal system and to all persons installing or rehabilitating onlot sewage disposal systems.

### **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 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 have elapsed, excepting Sundays and Holidays, since the sewage enforcement office 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 onlot 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. Sewage permits may be issued only by a sewage enforcement officer employed by the WCSC or the Township. DEP shall be notified as to the identity of each sewage enforcement officer employed by the WCSC or the Township.

#### **SECTION V – INSPECTIONS**

- A. Any onlot sewage disposal system 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, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance in the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. An authorized agent may 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.

#### **SECTION VI – OPERATION**

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



3. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

## **SECTION VII – MAINTENANCE**

Maintenance of all newly permitted alternate type onlot sewage systems from the date of this Ordinance forward shall be governed by the WCSC as per the following Agreement:

THE WASHINGTON COUNTY SEWAGE COUNCIL (WCSC) herein agrees to enact management measures to require the proper operations and maintenance of all newly permitted alternate-type on-lot sewage systems within South Franklin Township. WCSC will require the land owner/permit holder of all alternate-type on-lot sewage systems to perform the required maintenance of said systems and/or post financial security for the proper operation and maintenance of the said system.

SOUTH FRANKLIN TOWNSHIP herein authorized the WCSC to require and govern the management of and the operations and maintenance of all newly permitted alternate-type on-lot sewage systems.

SOUTH FRANKLIN TOWNSHIP herein authorized the WCSC to take legal measures necessary for mandating operations and maintenance of all alternate systems permitted from this date forward.

## **SECTION VIII – SYSTEM REHABILITATION**

- A. No person shall operate or maintain an onlot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged into 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 for such discharge has been obtained from DEP.
- 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 onlot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) 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. Without 30 days of initial notification by the Township, construction of the permitted repair or 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 shall set an extended completion date.

- D. A 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 areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, a 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.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system or another DEP approved alternate type system. Upon receipt of said permit, the owner shall complete construction of the system within 30 days.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing onlot sewage disposal 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 necessary.

#### **SECTION IX – LIENS**

The Township, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of the 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 therefore in accordance with law.

#### **SECTION X – 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. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Pumper/haulers of septage 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) and all other applicable laws.



## **SECTION XI – ADMINISTRATION**

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purpose of this ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a sewage enforcement officer or the WCSC 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.
- C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of onlot sewage disposal systems in the Township shall become the property of, and be maintained by, the Township or WCSC. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township or WCSC. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.
- D. The Township Board shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Township Board may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township for administering this program.

## **SECTION XII – 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 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 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality 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 30 days of the date of the hearing.

## **SECTION XIII – PENALTIES**

Any person failing to comply with any provision 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 90 days. Each day of noncompliance shall constitute a separate offense.

**SECTION XIV – REPEALER**


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

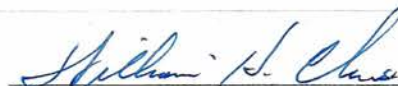
**SECTION XV – SEVERABILITY**


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 therefrom.

Duly Enacted and Ordained this 6<sup>th</sup> day of April, 2016 by the Board of Supervisors of the Township of South Franklin, Washington County, Pennsylvania, in lawful sessions duly assembled

TOWNSHIP OF SOUTH FRANKLIN  
WASHINGTON COUNTY, PENNSYLVANIA

  
Kellie A. Orlosky, Chair

  
William H. Cline, Vice-Chair

  
Mark W. Knestrick, Supervisors

ATTEST:

  
Township Manager