

ORDINANCE NO. 04-24

**AN ORDINANCE ESTABLISHING REGULATIONS FOR THE
INSTALLATION, INSPECTION AND ON-GOING MAINTENANCE OF ON-
LOT SEWAGE DISPOSAL SYSTEMS, REQUIRING REGISTRATION OF
SEPTAGE PUMPER/HAULER & CERTIFIED INSPECTION BUSINESSES
WITH BETHLEHEM TOWNSHIP, AND FURTHER, PROVIDING FOR
IMPOSITION OF PENALTIES FOR NONCOMPLIANCE AND APPEALS FOR
HARDSHIP SITUATIONS.**

Pursuant statutory authority granted the municipality in the Pennsylvania Sewage Facilities Act, 35 P.S. 750.1, et seq., (“the Act”), as implemented by and through the regulations issued by the Pennsylvania Department of Environmental Protection, Title 25, Chapters 71, 72 and 73, to take actions necessary to assure continued compliance of sewage facilities with the Act, the Clean Streams Law and regulations promulgated thereunder, the Commissioners of Bethlehem Township, Northampton County, Pennsylvania do hereby ordain as follows:

This Ordinance shall be known as and may be referred to as the Bethlehem Township Sewage Systems Management Ordinance.

SECTION I. – Purpose – The purposes of this Ordinance include:

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

SECTION II. – Terms and Definitions

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

Absorption Area – 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.

Act – The Pennsylvania Sewage Facilities Act, Act of January 24, 1996, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et seq.

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

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

Board – The Board of Commissioners of Bethlehem Township, Northampton County, Pennsylvania.

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

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

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

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.

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

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

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

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

Improved Property – Any property within the Township upon which there is erected a 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.

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

Individual On-Lot Sewage System – A sewage disposal system, which uses a system of piping, tanks and an absorption area for soil absorption of sewage effluent either on the lot being served or in an easement onto another lot.

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

Malfunction – The condition which occurs when an 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.

On-Lot Sewage System – A sewage system that encompasses one of the following: Bonded Disposal System, Community Sewage System, Individual On-Lot Sewage System, or Individual Sewerage System.

Owner – Any person, corporation, partnership or other entity holding deed or fee simple title to lands within the Township.

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

Primary Area – An area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an On-Lot Sewage 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)

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

Pumper/Hauler Business – Any sole proprietor, company, partnership, corporation or other entity which 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.

Pumper/Hauler Truck Operator – A natural person who engages in cleaning any or all components of an On-Lot Sewage System and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge.

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

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

Repair – Work done to modify, alter, rehabilitate or enlarge an existing On-Lot Sewage System.

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

Retaining Tank – A watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes but is not limited to, the following:

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

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

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

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

Sewage Facilities – Any method of sewage collection, conveyance, treatment, and disposal, which will prevent the discharge of, untreated or inadequately treated sewage

into the waters of the Commonwealth of Pennsylvania, or otherwise provide for the safe treatment and disposal of sewage or other waste.

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

Subdivision – The division or 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.

Terralift – Refers to both a machine and a process. For the purposes of this Ordinance, the word Terralift applies to this and all similar processes, including but not limited to “rejuvenator,” and “soil blaster,” which introduce material into the soil to increase its porosity or percolation rate.

Terralift process – A maintenance process by which small diameter pellets of plastic or a similar material are injected into the soil in the vicinity of the absorption area of an On-Lot Sewage Disposal System. The process is intended to fracture the soil and establish porosity more similar to the conditions that existed previously on the site.

Township – Bethlehem Township, Northampton County, Pennsylvania.

Treatment Tank – A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place.

SECTION III. – **Permits Required** – Coordination with Building Permits – DEP Permitted Systems

- A. All On-Lot Sewage Systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this Ordinance, the Act and Regulations.
- B. Building and zoning permits shall not be issued for any building, or improvement to real property to be serviced by an On-Lot Sewage System, prior to receiving a permit for the installation of the On-Lot Sewage System from the SEO.
- C. All system components including absorption areas must be located on the same lot, tract, or parcel as the structure they will service. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel’s ownership, or through means of an easement, right-of-way or other instrument, unless approved by the SEO.
- D. All Planning Modules for Land Development proposing On-Lot Sewage Systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit issued by the Township until construction or operation is brought into compliance with the permit.
- E. No On-Lot Sewage System shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.
- F. The use of a Terralift machine or conducting a Terralift procedure are hereby deemed to constitute the alteration of an On-Lot Sewage System, and either or both activities may only be undertaken pursuant to a permit issued by the SEO. The permit shall validate the absence of a malfunction

and conformity of the site with DEP requirements for Terralift procedures per Chapter 72, Subsection 72.22(b) of the regulations.

- G. No On-Lot Sewage 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 On-Lot Sewage 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. Permit applications for which the provisions of Section V. of this Ordinance apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the contract is terminated that the Township be so notified, in writing, within three (3) days of such termination.

SECTION IV. – **Replacement Areas**

- A. A Replacement Area shall be required for all proposed lots, which are intended to be serviced by a Soil Absorption System.
- B. A Replacement Area shall be required for all unimproved lots existing prior to the effective date of this Ordinance, which are intended to be serviced by a Soil Absorption System.
- C. Allowance of open land for the Replacement Area, without performance of appropriate soil testing to verify suitability of the land for a Replacement Area, shall not constitute compliance with the requirements of this Section.
- D. The location of the Primary and Replacement Areas shall be delineated and identified as an Absorption Area on the plot plans, maps or diagrams submitted as part of the permit application and subdivision or land development plan.
- E. The description, including metes and bounds, of every Absorption Area shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
 - 1. No improvements, whether permanent or temporary, shall be constructed upon or within the Absorption Area.
 - 2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the Absorption Area.
 - 3. During any construction or other activities, the Absorption Area shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the Absorption Area.
 - 4. The final cover or improvement to every Absorption Area shall be limited to shallow-rooted plant matter.
- F. An Owner wishing to alter the use of the Absorption Area must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an On-Lot Sewage System exists, and upon such a finding shall:

1. Prepare and submit to the SEO for approval a declaration which shall:
 - a. Meet the identification, non-use and preservation requirements of this Section;
 - b. Describe, by metes and bounds, the area to be abandoned.
2. Within 15 days of the approval by the Township, record the declaration at the Northampton County Recorder of Deeds Office.
3. File a copy of the recorded declaration with the Township.

SECTION V. – Maintenance of Systems

- A. The Owner of a property upon which an On-Lot System is constructed shall at all times operate and maintain the On-Lot Sewage system in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of Sewage.
- B. The Owner of a property upon which an On-Lot Sewage System is constructed shall maintain the area around such On-Lot Sewage System so as to provide convenient access for inspection, maintenance and pumping, and divert surface water and downspouts away from the Absorption Area and system components.
- C. In the event an Owner detects conditions that indicate or could reasonably be interpreted to indicate a Malfunction, the Owner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace malfunctioning On-Lot Sewage System.
 1. Owners who disclose to the SEO the presence of a Malfunction upon their lands shall not be penalized for the disclosure.
 2. If an Owner who has disclosed the presence of a Malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the Malfunction or cause the repair to be effectuated.
- D. The Owner of a property upon which an On-Lot System is constructed, shall submit proof of regular maintenance and service, utilizing the Township’s public-facing self-certification program. If the Owner of a property does not have internet access, they may submit proof of regular maintenance and service via hardcopy.
- E. Every aerobic or septic treatment tank, which discharges effluent to a soil Absorption Area, shall be pumped out according to the schedule in Section X. of this Ordinance. If a component’s manufacturer requires a more frequent pumping interval than contained in this Ordinance, that interval shall be deemed the minimum interval for pumping.
- F. When an On-Lot Sewage System’s Treatment Tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the On-Lot Sewage System shall also be pumped out.
- G. Retaining Tanks and privies shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than one time per year in accordance with the Township Holding Tank regulations and requirements.
- H. Upon completion of each required pumping, the pumper/hauler business and property owner shall provide the required information in compliance

with the requirements of the Township. Refer to Section V.D. of this Ordinance.

- I. The first time an On-Lot Sewage System's tank is pumped, the applicant shall retain a certified inspection agency or inspector to conduct an overall certification of their existing On-Lot Sewage System. The inspector/agency shall provide a report to the Township which includes the following minimum information which shall be developed, discovered or otherwise obtained as a result of an On-Lot Sewage System inspection conducted according to the then current Inspection Protocol of the Pennsylvania Septage Management Association:
 1. Description and diagram of the location of the:
 - a. Treatment Tank.
 - b. Risers.
 - c. Access hatches, pump tanks, filters, D-box, Absorption Areas, etc., with distances relative to two fixed landmarks.
 2. Permit number and date existing On-Lot Sewage System was installed (if known, month/year).
 3. Last date of pump-out (if known, month/year).
- J. Persons conducting inspections of existing On-Lot Sewage Systems for the purpose of System Certifications shall have successfully completed the On-lot Wastewater Treatment System Inspector program of the Pennsylvania Septage Management Association and be so certified. Inspectors shall be registered with the Township so that they will be able to file notices of Certification Inspection Reports with the Township.
- K. Initial and periodic tank pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:
 1. Tanks shall ONLY be pumped from/through the manhole/access port, i.e., the largest tank opening.
 2. Tanks shall NOT be pumped from/through the observation port.
 3. Every pump-out shall include a visual inspection of the interior of the tank. The inspection shall include a determination regarding the presence of baffles and their condition, as well as the physical condition of the treatment tank. Presence and condition of observation port(s) shall also be reported.
 4. At all times, and in all phases of operations, pumper businesses and equipment operators shall comply with all laws and regulations regarding the activities associated with on-lot wastewater system septage disposal.
- L. Any person owning a building served by an aerobic Treatment Tank or an On-Lot Sewage System, which includes any electrically, mechanically, hydraulically or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment manufacturer.
 1. A copy of the manufacturer's recommendations and owner's manual shall be on file with the Township after the effective date of this Ordinance.
 2. Owners of systems with components requiring periodic maintenance shall be required to submit reports of maintenance performed to the Township, documenting maintenance/service was

performed at the intervals called for in a manner consistent with the various components' manufacturers.

3. In no case may the service or pumping intervals exceed those established in Section X of this Ordinance.
- M. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, servicing or repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, and diversion of surface water away from soil absorption areas.

SECTION VI – Operation of Systems

- A. All On-Lot Sewage Systems shall be operated by the user in a manner that is in full compliance with the terms of this Ordinance, the Act and Regulations, and the On-Lot Sewage System's permit.
- B. Only Sewage and normal domestic wastes shall be discharged into any On-Lot Sewage System.
- C. The following shall not be discharged into the Sewage Facilities:
 1. Industrial waste.
 2. Fats and grease.
 3. Motor oil.
 4. Hazardous waste.
 5. Chemicals including, but not limited to:
 - a. Pesticides and herbicides.
 - b. Acids.
 - c. Paint, paint thinner and solvents, including latex or water-based paints.
 - d. Wallpaper pastes and adhesives.
 - e. Photo processing chemicals.
 6. Down spout and/or roof drain discharges.
 7. Sump pump and basement drain discharges.
- D. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into a treatment tank.
- E. Any property that discharges non-residential wastewater to the On-Lot Sewage System may be classified as industrial waste users by PA DEP. These Owners shall obtain an operating permit from PA DEP. In addition, Large Volume Systems (over 10,000 gpd) shall also be permitted by PA DEP.
- F. No On-Lot Sewage System shall discharge untreated or partially treated Sewage to the surface of the ground, or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from the PA DEP.

SECTION VII. – Right of Entry

- A. All permits for the installation of On-Lot Sewage Systems shall be conditioned upon the inclusion of language in the deed to the property establishing a grant of right of entry by the Owner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing on the On-Lot Sewage System described in the application and permit ("Right of Entry").
- B. The grant of Right of Entry cannot be revoked, suspended or discontinued by the present or any future Owner.

- C. Any property on which an On-Lot Sewage System presently exists, or on which an On-Lot Sewage System is under construction, shall not be conveyed by the Owner of the property without the inclusion of language in the deed establishing and assigning a non-revocable grant of Right of Entry by the Owner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the On-Lot Sewage System described in the application and permit.
- D. In the event that the On-Lot Sewage System is abandoned and not replaced by another On-Lot Sewage System, and all Sewage is collected and treated at a site not on the lot, the Township shall terminate the Right of Entry, which then shall cease.

SECTION VIII. – Certified Inspectors Business Registration

- A. At least seven (7) days before offering inspection services to Owners that will enable their compliance with the terms of this Ordinance, all inspectors and businesses shall:
 - 1. Register with the Township and comply with all reporting requirements established herein;
 - 2. Document membership in the PA Septic Management Association.
 - 3. Document that there is at least one employee/owner certified by the PA Septic Management Association to perform On-lot Wastewater Treatment Inspections;
 - 4. Identify all employees/owners that will provide these services in the Township;
 - 5. Provide a current fee schedule for all services required under this Ordinance.
- B. When there is a change in the personnel/employees that provides services in accordance with this Ordinance, it shall be the duty and obligation of the business owner to notify the Township of the changes within seven (7) days of the effective date of the change.

SECTION IX. – Fees

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

SECTION X. – Maintenance Districts Created

- A. Every On-Lot Sewage System in the Township shall be inspected and every Treatment Tank associated with every On-Lot Sewage System shall be pumped at least one (1) time every three (3) years. After the initial inspection and pumping, all Treatment Tanks in all On-Lot Sewage Systems shall be pumped out at a minimum regular interval of once every three (3) years from the year of either the initial pumping or a subsequent pumping. Treatment Tanks that have been subjected to more frequent pumping, by the nature of their size, loading rate or other system characteristics, should continue to receive that frequency of pumping. This Ordinance is NOT an instruction to reduce the frequency of pumping and should not be construed as such. This Ordinance establishes the minimum pump out requirement for all Treatment Tanks that do not exhibit characteristics that indicate more frequent pumping is required. In the event that On-Lot Sewage System is no longer used to service a property, whether on that property or on an easement established on another lot, the Right of Entry under this Ordinance shall cease. The Owner shall notify the Township that the System is no longer in use.
- B. The initial inspection shall meet the requirements of Section V. of this Ordinance.

- C. Owners may choose to have Treatment Tanks pumped out more frequently. When more frequent pump-outs are undertaken in a manner consistent with Section V. of this Ordinance, the date of the subsequent regular pump-out shall be deemed to be the last day of the last month three (3) years following the year of the voluntary pump-out.
- D. Inspections may also include, but are not limited to:
 - 1. Taking samples from surface water, wells, other groundwater sources;
 - 2. Sampling of the contents of the sewage disposal system;
 - 3. Introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and/or ultimate destination of wastewater generated in the structure.
- E. In the event that an Owner fails to obtain the required initial inspection or subsequent Treatment Tank pump-out, the Township's SEO shall select a Pennsylvania Septage Management Association (PSMA) Certified Hauler from the Township's approved list of haulers to do the required pumping and inspection at the direction of the SEO. The selected hauler shall have the right to enter the identified property in the presence of the SEO for the purposes of conducting inspections required by this Ordinance pursuant to the Right of Entry.
- F. Prior to entry for inspection, the Township shall give advance notice to the occupant of a property to enable the occupant to be personally present or be represented by an agent at the time of such entry.
- G. Any adult occupant present on the property at the time a request to enter is made by the SEO may waive their right of advance notice.
- H. Advance notice shall be given at least twenty-four hours prior to entry, unless waived, and shall be by any of the following:
 - 1. Telephone.
 - 2. Ordinary U.S. mail.
 - 3. A written notice posted at the entrance to the structure or other place where it is likely to be seen by the Owner or occupant.
 - 4. If the property appears to be vacant, notice shall be given by ordinary U.S. mail to the Owner of record, at the last known address, which appears in the records of the Northampton County Tax Assessor's Office.
 - a. The notice shall be mailed at least seven (7) days prior to intended entry date.
 - b. Where the Owner's name and/or address are not known, then notice shall be given by posting as described in subsection 2 above.
- I. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection established in this Ordinance.
- J. No provision of this Ordinance shall require notice to be given before entry, where it can be observed from a public street that an On-Lot Sewage System is malfunctioning or being operated improperly.

SECTION XI. – Connection to Public Sewers - Liens

- A. When an Improved Property requires a permit in accordance with Pennsylvania State Law to; construct, reconstruct, or repair an on-lot sewage disposal system, in part or in its entirety, and where the Township's Official Sewage Facilities Plan identifies the parcel to be within a designated public sanitary sewer service area, where a sanitary

sewer service lateral has been provided, the Township/Authority shall serve notice of connection, in accordance with the provisions of the Township's Sewers and Sewage Connection Ordinance. Where no service lateral exists under these conditions, the Improved Property owner shall bear the full cost of service lateral installation by the Township/Authority.

- B. The Township may take whatever action necessary to recover these costs of connection to the public sanitary sewer system in accordance with law, including entering a municipal lien against the property.

SECTION XII. – System Rehabilitation, Abating Health Hazards

- A. The Township shall compel corrective action whenever a Malfunction is identified.
 - 1. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township on which is found a malfunctioning On-Lot Sewage System, or on which raw or partially treated sewage is discharged without a permit.
 - 2. Within seven (7) days of notification by the Township that a Malfunction has been identified, the Owner shall make application for a repair permit to abate the Malfunction.
 - 3. Within thirty (30) days of the original notification by the Township, construction of the permitted repair or replacement shall commence, unless seasonal or unique conditions mandate a longer period, in which case the Township shall, in cooperation with the SEO, modify the commencement date.
 - 4. Within sixty (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, in cooperation with the SEO, modify the completion date.
- B. The Township shall compel, or may take, immediate corrective action whenever a Malfunction represents a public health hazard or environmental threat.
- C. The Township may seek injunctive relief to prevent continued use of a malfunctioning On-Lot Sewage System.
- D. Should none of the remedies described above prove totally effective in eliminating the Malfunction of an existing On-Lot Sewage System, the Owner shall be required at all times to maintain compliance with Title 25, Chapter 73.11(c) of the Pennsylvania Code.

SECTION XIII. – Appeals – Hearings – Variance

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

- C. Appeal requests must be received by the Board within fifteen (15) days of the action being appealed and must be accompanied by the appropriate fee set by Resolution by the Board.
- D. Within ten (10) days of receipt of an appeal, the Board shall schedule a public hearing, which shall be conducted pursuant to the Local Agency Law.
- E. The Board shall issue its decision within twenty (20) days of the end of the hearing.
- F. Only in the case when the literal compliance with mandatory provisions of this Ordinance is shown to the satisfaction of the Board to be unreasonable, to cause undue hardship or when an alternate standard can be demonstrated to provide equal or better results may the Board, in its discretion, grant a variance from the provisions of this Ordinance.
 - 1. Any such variance shall, to the greatest extent possible, protect the public health and the quality of the water resources of the Township.
 - 2. When in the opinion of the Board it is necessary to meet the purposes of this Ordinance, a variance may be conditioned upon measures not specified in this Ordinance.
- G. At all times, the burden to present credible evidence and the burden of persuasion shall be upon the Applicant seeking relief.
- H. Relief from Replacement Area Requirement:
 - 1. If any unimproved lot held in single and separate ownership does not contain suitable land for both a Primary Absorption Area and a Replacement Absorption Area, the landowner desiring to install an On-Lot Sewage System may request that the Board grant an exception to the requirement of providing a Replacement Area.
 - 2. At a minimum, Owners seeking relief shall present credible evidence to the Board demonstrating:
 - a. That the lot was held in single and separate ownership on the effective date of this Ordinance;
 - b. The size of the lot;
 - c. The results of soil evaluation and testing that were conducted and which determine that the soil conditions on the lot are of an extent or nature that only a Primary Area exists on the lot; and,
 - d. The inability of the applicant to acquire adjacent land, or the unsuitability of adjacent land, which might be able to be acquired.
 - 3. Under this Subsection H., the Board may condition relief on a more frequent pumping schedule, use of water conservation measures or other appropriate management techniques.
- I. No lot shall be completely exempted from the requirements of this Ordinance regarding initial On-Lot Sewage System inspection and/or periodic Treatment Tank pumping.
 - 1. The required pump-out frequency for Treatment Tanks may be altered by the Township. The SEO may reduce (shorten) the interval between pump-outs to assure proper operation of the On-Lot Sewage System based on:

- a. Loading rates which are greater than described in the permit for the On-Lot Sewage System; or,
 - b. For other good cause.
2. The SEO may extend the required pump-out interval upon application where the landowner can demonstrate that the On-Lot Sewage System can operate properly without the need for pump-out for a period longer than three (3) years, provided that supporting documents conclusively verify:
 - a. Reduced system loading; or,
 - b. Accumulation of sludge, scum or other residual materials to a level of less than one-third the liquid capacity of the Treatment Tank; or,
 - c. For aerobic tanks, the manufacturer's recommendations that indicate a greater interval are appropriate.
 - d. A report from the SEO resulting from a site investigation indicating that no Malfunction exists on the property; or,
 - e. The On-Lot Sewage System is consistent with the permit that was issued for the property.
3. The applicant for a lengthened pump-out interval shall bear the cost of any SEO inspection necessary to verify the justifications for relief submitted by the applicant.
4. A one-time extension for a period of time not to exceed two (2) years may be granted.
5. In no case shall the cumulative pump-out interval be greater than five (5) years.
6. Any altered pumping frequency shall automatically end when the factors, upon which the altered requirement is predicated, are removed or are no longer applicable.

SECTION XIV. – Violations – Penalties – Suspensions

- A. It shall be illegal to commence construction of a structure which will be served by an On-Lot Sewage System without first obtaining a permit for the On-Lot Sewage System.
- B. It shall be illegal to construct, alter or repair an On-Lot Sewage System without first obtaining a permit for the installation or repair from the Township.
- C. It shall be illegal to fail to maintain the components of an On-Lot Sewage System at the intervals specified in this Ordinance, or those specified by the equipment manufacturer.
- D. It shall be illegal for a Pumper/Hauler Business to fail to file the necessary reports in a timely manner.
- E. Any person who commits a summary offense and violates any of the provisions of this Ordinance shall be subject to prosecution by the Township and, upon conviction before a District Justice, shall be subject to a fine of not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000), plus cost of prosecution.
- F. Each day of a continuing violation shall be considered a new and separate violation of this Ordinance and shall be subject to separate penalty.
- G. Any Pumper/Hauler Business which has been convicted on two (2) occasions for violations of this Ordinance, or which fails to comply with

any of the provisions of this Ordinance, or which violates the conditions of its PA DEP permit relating to the handling, treatment or disposition of septage materials, or of any state law or Township ordinance governing its operation, shall be barred from operating within the Township for a period of not less than six (6) months nor more than two (2) years, as determined by the Board.

H. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the PA Sewage Facilities Act.

SECTION XV. – Severability

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


SECTION XVI. – Repealer

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

SECTION XVII. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after adoption.

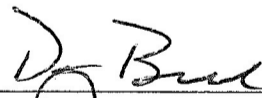
ORDAINED AND ENACTED this 5th day of August, 2024, at a regular public meeting after public hearing thereon.

**BOARD OF COMMISSIONERS
OF BETHLEHEM TOWNSHIP**



John J. Merhottein
President

ATTEST:



Doug Bruce
Township Manager/Secretary