

HALFMOON TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE 2023-02

AN ORDINANCE OF THE TOWNSHIP OF HALFMOON, CENTRE COUNTY, PENNSYLVANIA, TO AMEND AND RESTATE ARTICLES I AND II OF CHAPTER 181, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE TOWNSHIP OF HALFMOON.

**WHEREAS**, the Township of Halfmoon is a Second-Class Township of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Halfmoon adopted Ordinance No. 2004-07 on March 25, 2004, as codified at Article I of Chapter 181 of the Code of the Township of Halfmoon (the "Code"); and

**WHEREAS**, the Township of Halfmoon adopted Ordinance No. 2007-04 on October 25, 2007, as codified at Article II of Chapter 181 of the Code; and

**WHEREAS**, the Board of Supervisors has determined that Articles I and II of Chapter 181 of the Code each require amendment in consideration of the Centre Region Growth Boundary and Sewer Service Area Implementation Agreement;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Halfmoon Township, Centre County, Pennsylvania, as follows:

**SECTION 1.** Article I of Chapter 181 of the Code, entitled "Community On-Lot Sewage Disposal Systems" is hereby amended, restated, adopted, and enacted as follows:

Article I

**Community On-Lot Sewage Disposal Systems**

**[Originally Adopted 3-25-2004 by Ord. No. 2004-07]**

**§ 181-1 Purpose.**

The purpose of this article is to establish procedures for the design, installation, use and maintenance of community on-lot sewage disposal systems (COLDS) for the collection, treatment and disposal of sewage. It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

**§ 181-2 Scope.**

As part of any subdivision or land development plan proposing the use of a COLDS, compliance with these rules and regulations and the policies, regulations and specifications of the University Area Joint Authority (UAJA) shall be a condition of approval. All COLDS, as herein defined, to be constructed shall have as the official permittee the University Area Joint Authority. Upon the issuance of a permit for a COLDS by the Township Sewage Enforcement Officer, the COLDS shall be dedicated by the developer to UAJA. No COLDS shall be accepted for dedication except in accordance with these rules and regulations and the specifications of UAJA. COLDS are permitted in all zoning districts areas zoned A-1 (Agricultural), R-1 (Residential), and C-1 (General Commercial) within the Township that are located outside the Centre Region Act 537 Sewage Facility Plan's existing and five-year sewer service areas Sewer Service Area.

**§ 181-3 Definitions.**

As used herein, the following terms shall have the meanings herein described unless otherwise provided:

**ALTERNATIVE PUBLIC WASTEWATER TREATMENT SYSTEM**

An alternative wastewater treatment system is any septic system, whether publicly or privately owned, that serves two or more lots or equivalent dwelling units and utilizes any process designed to produce an effluent of higher quality than normally achieved through primary and secondary treatment processes and does not utilize soils as the primary method for remediation (for example, membrane bioreactor).

**AUTHORITY**

University Area Joint Authority (UAJA).

**BOARD**

The Board of Supervisors of Halfmoon Township.

**CAPITAL RESERVE FUND**

An interest-bearing revolving fund, established for or by the Authority with monies contributed by each COLDS user, for the purpose of financing major equipment and facility repair, replacement or upgrade.

**CENTRE REGION GROWTH BOUNDARY AND SEWER SERVICE AREA IMPLEMENTATION AGREEMENT (IMPLEMENTATION AGREEMENT)**

An agreement adopted by the six Centre Region municipalities that established a regional process to consider proposals to expand the Regional Growth Boundary and Sewer Service Area and provides the General Forum of the Centre Region Council of Governments an advisory role in the review of major rezonings and zoning text amendments outside of the existing Regional Growth Boundary and Sewer Service Area prior to municipal action. The

agreement also establishes specific on-lot septic requirements and limitations for future developments outside of the Regional Growth Boundary and Sewer Service Area.

### **COMMUNITY ON-LOT SEWAGE DISPOSAL SYSTEMS (COLDS)**

Any sanitary sewage treatment and disposal system which collects, treats and disposes of sewage generated from two or more equivalent dwelling units (EDUs) by utilizing a subsurface absorption bed. The calculation of EDUs will be determined as per 25 Pa. Code Chapter 73.

### **DEP**

The Department of Environmental Protection of the Commonwealth of Pennsylvania.

### **DESIGN STANDARDS**

Design standards for COLDS as established by DEP (25 Pa. Code Chapter 73) as well as all relevant installation and locational standards established by such regulations, and specifications for the design, installation and use of COLDS as set forth by the Authority.

### **ENGINEER**

The Township's or Authority's duly appointed engineer or engineering firm, which provides the Township Board or Authority with technical and engineering consultation.

### **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 and from which structure sewage shall or may be discharged.

### **PERSON**

Any individual, partnership, company, association, corporation or other group or entity.

### **REGIONAL GROWTH BOUNDARY**

The Regional Growth Boundary is the boundary within which a higher density of development exists to efficiently and economically support urban services including public sewer, public water, public transportation, fire, police, and schools as noted in the Centre Region Comprehensive Plan.

### **SEWAGE**

A substance that contains waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances 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. For the purposes of this article, the term includes substances which constitute pollution under the Clean Stream Law, with the exception of wastewater of

industrial origin.

**SEWER SERVICE AREA**

The Sewer Service Area is the location where public sewer service is provided or planned as identified in the Centre Region Act 537 Sewage Facilities Plan.

**SEO**

The Halfmoon Township Sewage Enforcement Officer.

**TOWNSHIP**

Halfmoon Township, Centre County, Pennsylvania.

**§ 181-4 Rights and privileges granted to Authority.**

A. The Board hereby authorizes and empowers the Authority to undertake within the Township the control of methods of COLDS design, installation and operation and maintenance. Permits for all COLDS shall be issued by the Township appointed SEO.

B. The Board hereby authorizes and empowers the Authority, as its acting agent, to enter into or acquire escrow agreements, construction and performance bonds, and engineering services to ensure COLDS are designed, constructed, operated and maintained in accordance with any applicable specifications, rules and regulations of the Board.

C. The Board authorizes the Authority to take ownership of all operating COLDS within the Township following the issuance of a permit by the Township Sewage Enforcement Officer. Method and manner of possession of COLDS will be as dictated by the Board's rules and regulations, and the laws of the Commonwealth of Pennsylvania.

D. The Board hereby authorizes and empowers the Authority to oversee, operate, maintain, improve and/or discontinue the use of any COLDS within Halfmoon Township.

**§ 181-5 Rules and regulations.**

A. COLDS can only be used in locations outside of the Centre Region Act 537 Sewage Facility Plan's existing and five-year sewer service area Sewer Service Area.

B. Any subdivision or land development located outside of the Regional Growth Boundary and Sewer Service Area that proposes 15 or more lots or will generate 15 or more equivalent dwelling units of wastewater per day, and where any individual lot is less than two acres in size or where the overall density is greater than one equivalent dwelling unit per two acres (in the case of a condominium), shall be required to utilize a COLDS as defined in this ordinance to treat and dispose of wastewater. A COLDS shall be utilized for any phased development which, upon completion of the last phase, will

contain 15 or more lots or will generate 15 or more equivalent dwelling units of wastewater per day, and where any individual lot is less than two acres in size or where the overall density is greater than one equivalent dwelling unit per two acres (in the case of a condominium).

C. All COLDS must be designed and constructed in accordance with the specifications of the Authority and the attached appendices.

CD. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning COLDS which it may deem necessary from time to time to affect the purposes herein. Prior to adoption, any proposed regulations proposed by the Authority shall be provided to Halfmoon Township for review and comment.

DE. All such policies, regulations and specifications of the Authority shall be in conformance with the provisions herein, all other ordinances of the Township, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.

EF. All COLDS must have two absorption areas, designed according to site characteristics, each with a capacity sufficient to serve all equivalent dwelling units, which can be connected to the system.

FG. COLDS must be designed to include an inspection portal, which may be used by the Authority to monitor the depth of solids in the tank. In addition, each COLD system shall contain a riser, which can be used for pumping purposes.

GH. The Authority shall be responsible for the maintenance of all COLDS within Halfmoon Township approved after the enactment of this article.

I. Alternative public wastewater treatment systems as defined herein are prohibited within Halfmoon Township.

**§ 181-6 Imposition of rates and charges.**

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges at reasonable and uniform rates as authorized by applicable law.

**§ 181-7 Exclusivity of rights and privileges.**

Solely the Authority or its authorized representative shall do the collection, treatment and disposal of all sewage from any improved property utilizing a COLDS.

**§ 181-8 Responsibility of developer.**

The developer of any proposed COLDS shall be responsible for obtaining all required permits from the Township, the Authority, DEP and any other

agencies requiring permits for such an installation. The developer of any proposed COLDS shall be responsible for its construction and start up in accordance with the requirements of this article, and the specifications of the Authority.

**§ 181-9 Violations and penalties.**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

**SECTION 2:** Article II of Chapter 181 of the Code, entitled "On-Lot Sewage Disposal Systems" is hereby amended, restated, adopted, and enacted as follows:

Article II  
**On-Lot Sewage Disposal Systems**

**[Originally Adopted 10-25-2007 by Ord. No. 2007-4]**

**§ 181-10 Short title; purpose.**

A. This article shall be known and may be cited as "The On-Lot Sewage Disposal Program" for Halfmoon Township.

B. As mandated by the municipal codes, the Clean Streams Law (35 P.S. § 691.1 et seq.), 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 Halfmoon Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

C. The purpose of this article is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**§ 181-11 Definitions.**

A. As used in this article, the following terms shall have the meanings

indicated:

**ACT 247**

The Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq., known as the "Pennsylvania Municipalities Planning Code."

**ACT 537**

The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

**AUTHORIZED AGENT**

A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary or any other qualified or licensed person who is delegated by the municipality to function within specified limits as the agent of the municipality to carry out the provisions of this article.

**BOARD/COUNCIL**

The Board of Supervisors of Halfmoon Township, Centre County, Pennsylvania.

**CODES ENFORCEMENT OFFICER (CEO)**

An individual employed by the municipality to administer and enforce ordinances in the municipality.

**DEP**

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

**DEVELOPER**

Any person, partnership or corporation which erects or contracts to erect a building on property it owns, whether with the intent to sell the building to some other party upon its full or partial completion, or upon conveyance of property on which the building is to be built, or with the intent to continue ownership of the property.

**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.

**IMPROVED PROPERTY**

Any property within the municipality upon which there is erected an improvement intended for continuous or periodic habitation, occupancy or use by human beings and from which improvement sewage shall or may be discharged by any means.

**INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM**

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 or by means of conveyance to another site for final disposal.

**LAND DEVELOPMENT**

A land development as identified in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

**LOT**

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

**MALFUNCTION**

The condition which occurs when an on-lot sewage disposal system causes pollution to groundwater or surface water, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. 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, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

**MANAGEMENT PROGRAM**

The management program shall encompass individual and community on-lot sewage disposal systems which discharge into the soils of the municipality. All systems shall be operated under the jurisdiction of the municipal governing body and other applicable laws of the Commonwealth of Pennsylvania.

**MUNICIPALITY**

Halfmoon Township, Centre County, Pennsylvania.

**OFFICIAL SEWAGE FACILITIES PLAN**

A comprehensive plan for the provision of adequate sewage disposal, adopted by the municipality and approved by DEP in accordance with the Act and with applicable DEP regulations.

**OWNER**

Any person, corporation, partnership, etc., holding deed/title to lands within the municipality.

**PERSON**

Any individual, association, public or private corporation, whether for profit or not for profit, partnership, firm, 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 article, 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 municipal official plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

#### **PUMPER/HAULER**

Any person, company, partnership or corporation which engages in cleaning community or individual sewage systems and transports the septage cleaned from these systems.

#### **PUMPERS REPORT/RECEIPT**

Form which shall be used by all permitted pumpers/haulers to report each pumping of on-lot sewage disposal systems in the municipality.

#### **REHABILITATION**

Work done to modify, repair, enlarge, or replace an existing on-lot sewage disposal system.

#### **REPLACEMENT AREA**

An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable municipal ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the Centre County Recorder of Deeds.

#### **SEPTAGE**

The residual scum and sludge pumped from septic systems.

#### **SEWAGE**

Any substance that contains any of 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 appointed by the municipality to administer the provisions of this article and authorized by DEP in accordance with Chapter 72, "Administration of Sewage Facilities Program" of Title 25, "Rules and Regulations" to perform percolation tests, site and soil evaluation, and issue sewage permits for on-lot

disposal systems.

### **SEWAGE FACILITIES**

A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

### **SINGLE AND SEPARATE OWNERSHIP**

The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

### **SUBDIVISION**

A subdivision as defined by the Pennsylvania Municipalities Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

B. All other definitions of words and terms used in this article shall have the same meaning as set forth in Chapter 73, "Standards for Sewage Disposal Facilities" of Title 25, "Rules and Regulations," Department of Environmental Protection.

#### **§ 181-12 Applicability.**

From the effective date of this article, its provisions shall apply to all persons owning any property in the municipality serviced by an individual on-lot sewage disposal system or a community on-lot sewage disposal system and to all persons installing such on-lot sewage disposal systems.

#### **§ 181-13 Permit requirements.**

A. Regardless of lot size, no person shall install, construct, or request bid proposals for construction or alter an individual sewage system or community on-lot sewage disposal 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 on-lot sewage disposal 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 (hereinafter called "Act 537" or "Act") and the standards adopted pursuant to that Act.

B. No system or structure designed to provide individual or community on-lot sewage disposal shall be covered from view until approval to cover the same has been given by the Municipal SEO. If 72 hours have elapsed, excepting Sundays and holidays, since the SEO 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 SEO.

C. The municipality may require applicants for sewage permits to notify the municipality's certified SEO of the schedule for construction of the

permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the municipality's certified SEO at the cost of the applicant.

D. No building or occupancy permit shall be issued by the municipality or its Codes Enforcement Officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the municipality's certified SEO.

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 municipality's Codes Enforcement Officer and the structure's owner receive from the municipality's SEO either a permit for modification or replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified SEO 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 certified SEO employed by the municipality for that express purpose. DEP shall be notified by the municipality as to the identity of their currently employed primary and alternate certified SEOs.

G. No sewage permit for a new occupancy, whether residential or nonresidential, may be issued unless proof is provided that the lot of record existed prior to May 15, 1972, or that Act 537 planning for that lot has been provided by the municipality and approved by DEP.

H. No final Act 247 approval of a subdivision or land development plan may be made and no recording of deeds for newly created lots completed until formal Act 537 planning approval by DEP is received.

**§ 181-14 Replacement areas.**

A. Requirements.

(1) Any supplements, revisions, or exceptions (~~Component I~~) to the municipality's Official Sewage Facilities Plan which are prepared pursuant to the applicable regulations of the DEP for subdivision or development of land within the municipality shall provide for the testing, identification, and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage disposal system. This requirement is in addition to the testing, identification, and reservation of an area for the primary sewage disposal system.

(2) No permit shall be issued for any proposed new on-lot sewage disposal system on any newly created or subdivided property in the

municipality unless and until a replacement area is tested, identified and reserved.

(3) After the effective date of this article, a replacement area for an individual on-lot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community on-lot disposal ~~sewerage~~ system or for which a valid permit for installation of an individual on-lot sewage system has not been issued. Lots existing prior to the effective date March 25, 2004 of ~~this article~~ shall be exempt from the requirements of this section.

(4) The replacement area provided shall comply with the Act and with all regulations issued by DEP as incorporated into this article concerning individual on-lot and community on-lot sewage disposal systems, including isolation distances, and with the terms of this article and any other applicable municipal ordinances.

B. Identification of replacement area.

(1) Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot or community on-lot sewage disposal system, or who shall request approval of a planning module for land development or the adoption of a revision, exception to revision or supplement to the official plan shall demonstrate to the satisfaction of the certified SEO that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement area. The certified SEO shall perform or observe all tests required for the location of an individual on-lot or community on-lot sewage disposal system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the certified SEO shall not constitute compliance with the requirements of this section.

(2) The location of the initial individual on-lot sewage system and the replacement area as confirmed by the certified SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

(3) If the application has been submitted as part of an application for subdivision or land development approval or as part of a request that the municipality approve a Planning Module for land development or amend its official plan, or a request for an exception to the revision of the official plan, the location of each initial individual on-lot or community on-lot sewage disposal system and each replacement area shall be noted upon the plot plans. If the application is for subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the replacement area, and the deed to be recorded for each lot created as part of the subdivision or land

development shall contain language reflecting this limitation.

(4) Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this article shall be reviewed for approval by the Municipal Board or its authorized representative.

C. Construction restrictions.

(1) The easement for the replacement area noted upon the plan and recorded with the Centre County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow rooted plant matter shall be constructed upon the replacement area.

(2) If a person desires to construct such improvements on the designated replacement area, such person shall demonstrate to the satisfaction of the certified SEO that an alternate replacement area, which complies with all applicable regulations of the DEP, this article, and all other applicable municipal ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this article and shall be designated as the replacement area.

#### **§ 181-15 Inspections.**

A. Any on-lot disposal system may be inspected by the municipality's certified SEO or authorized agent at any reasonable time as of the effective date of this article, but in no case shall an inspection of every on-lot disposal system be conducted less frequently than once every six years.

B. The 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 into the interior plumbing of the structure served to ascertain the path and the ultimate destination of wastewater generated in the structure. A copy of the inspection report shall be furnished to the owner and current resident, which shall include all of the following information: date of inspection; name and address of system owner; description and location of the system, including presence of access hatches, risers, and markers; size of tank(s); current occupant's name and number of users; indication of any system malfunction observed; results of any and all soils and water tests. The municipality's certified SEO will follow-up should any remedial action be required.

C. The municipality's certified SEO or authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event access to inspect the property is denied, the following steps shall be taken.

(1) The matter will be officially referred to the governing body of the municipality for action.

(2) The governing body of the municipality may schedule a review at the next scheduled meeting of the Municipal Board or, if the situation threatens the health or safety of the residents of the municipality, the Board may commence an immediate procedure to obtain a search warrant from the Magisterial District Judge.

(3) Upon receipt of a search warrant to inspect the property, the certified SEO or authorized agent of the municipality shall be accompanied by an officer of the municipal or State Police and the inspection shall be completed in accordance with this subsection.

D. An initial inspection shall be conducted by the municipality's certified SEO or authorized agent within six years of the effective date of this article for the purpose of determining the type and functional status of each sewage disposal system in the municipality. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the municipal records.

E. A routine inspection of each sewage disposal system in the municipality will be scheduled every six years to assure the proper function of all systems in the municipality.

F. The municipality's certified SEO or authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipal certified SEO shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the municipal certified SEO and a representative of the DEP, then action by the property owner to mitigate the malfunction shall be required.

G. A permit shall be required by the municipality for alterations or connections to an existing individual or community on-lot sewage disposal system when the alteration or connection requires the repair, replacement or enlargement of a treatment tank or retention tank, or the repair, replacement, disturbance, modification or enlargement of a soil absorption area or spray field, or the soil within or under the soil absorption area or spray field.

H. There may arise geographic areas within the municipality where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a municipally sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized sewage facilities plan revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be

delayed, at the discretion of the municipality, pending the outcome of the plan revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials and/or the DEP, represents a serious public health or environmental threat.

**§ 181-16 Operation.**

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.
- C. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface water or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.

**§ 181-17 Maintenance.**

A. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a qualified pumper/hauler within three years of the effective date of this article. Thereafter, that person shall have the tank pumped at least once every three years. Receipts from the pumper/hauler shall be submitted to the municipality or authorized agent within 30 days of the date of pumping.

B. An option will be provided to allow the property owner to request a waiver from pumping every three years if, because of tank size, household size, or seasonal use, it is determined by the municipality's certified SEO that such pumping is not needed. In such cases, a waiver from pumping can be granted at the discretion of the municipality's certified SEO when an inspection of the tank by the municipal SEO reveals that the solids are less than one-third the liquid depth of the tank.

C. The required pumping frequency may be increased at the discretion of the municipality's SEO or authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

D. If any person can prove that their system tank had been pumped within three years prior to their pumping notification date, then the municipality may delay that person's initial required pumping to conform with the general pumping frequency requirement.

E. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the municipality within six months of the effective date of this article. Thereafter, service receipts shall be submitted to the municipality at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment exceed those required for septic tanks.

F. Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks as noted in Subsection A. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the certified SEO for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.

G. The municipality 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.

H. Each time a septic tank or other subsurface waste disposal tank is pumped out, the municipality, its authorized agent, or a private septage pumper/hauler, whichever provides the service, shall provide to the owner of the on-lot disposal system a signed pumper's report/receipt containing at minimum, 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) Amount of septage or other solid or semisolid material removed.
- (5) Destination of septage (name of treatment facility).

I. Upon completion of each required pumping, the pumper/hauler shall fill out and submit a pumper's report/receipt, copies of which shall be provided by the municipality or its authorized agent to all registered pumpers/haulers. The pumper/hauler shall provide one copy of the pumper's report/receipt to the owner and one copy to the municipality or its authorized agent. Copies must be received by the municipality or its authorized agent within 30 days of the date of pumping.



§ 181-18 **System rehabilitation.**

A. No person shall operate and maintain an on-lot 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 to a treatment system or 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 DEP.

B. The municipality or its authorized agent shall issue a written notice of violation to any person who is the owner of a property in the municipality which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit.

C. Within seven days of notification by the municipality that a malfunction has been identified, the property owner shall make application to the municipality's certified SEO for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the municipality, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the municipality, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the municipality or its authorized agent shall set an extended completion date.

D. The municipality's certified SEO 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 or other alternatives as appropriate for the specified site.

E. In lieu of, or in combination with, the remedies described in Subsection **D** above, the municipal SEO 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.

F. In the event that the rehabilitation measures in Subsections **A** through **E** are not feasible or do not prove effective, the municipality may require the owner to apply to the DEP for a permit to install a single residence treatment and discharge system. Upon receipt of said permit, the owner shall complete construction of the system within 60 days.

G. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing disposal system, the property

owner is not absolved of responsibility for that malfunction. The municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

**§ 181-19 Liens.**

The municipality, upon written notice from the Municipal SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this article, shall have the authority to perform or contract to have performed the work required by the certified SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

**§ 181-20 Disposal of septage; violations and penalties.**

A. All septage originating within the municipality shall be disposed of at sites or facilities approved by the DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

B. All septage pumpers/haulers operating within the municipality shall be licensed by the DEP and permitted by the municipality or its authorized agent. Pumper/haulers shall comply with all reporting requirements established by the municipality.

C. All septage of pumpers/haulers operating within the municipality 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 et seq. Any septage pumper/hauler who violates any of the provisions of this article or regulations of the municipality, the conditions of its state permit, or any state or local law governing its operation shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$5,000 and costs and, in default of the payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. If any pumper/hauler shall have been convicted on two occasions of any violation of this article, or for violating the conditions of its state permit, or of any state or local law governing its operation, the Municipal Board shall have the power to suspend said pumper/hauler from operating within the municipality for a period of not less than six months or more than two years for each violation, as determined by the municipality. Each day the violation continues shall constitute a separate offense.

**§ 181-21 Administration.**

A. The municipality shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this article.

B. The municipality shall employ qualified individuals to carry out the provisions of this article. Those employees shall include a certified SEO and may include a Codes Enforcement Officer, Secretary, Administrator and other

persons as required. The municipality may also contract with qualified persons or firms as necessary to carry out the provisions of this article.

C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the municipality shall become the property of the municipality. Existing and future records shall be available for the public inspection during required business hours at the official municipal 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 DEP.

D. The Municipal Board shall establish a fee schedule to cover the cost of administering this program. Fees shall be collected by the municipality or its authorized agent.

E. The Municipal Board shall establish all administrative procedures necessary to properly carry out the provisions of this article.

#### **§ 181-22 Appeals.**

A. Appeals from decisions of the municipality or its authorized agents under this article shall be made to the Municipal Board, in writing, within 30 days from the date of the decision in question.

B. The appellant shall be entitled to a hearing before the Municipal Board at its next regularly scheduled meeting, if the 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 subsequent 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 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 30 days of the date of the hearing. If a decision is not rendered within 30 days, the release sought by the appellant shall be deemed granted.

#### **§ 181-23 Violations and penalties.**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

**SECTION 3: Repealer.** All provisions of previous Ordinances of the Township of Halfmoon which are contrary to this Ordinance are expressly repealed.

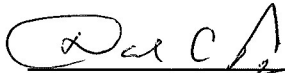
**SECTION 4: Savings Clause.** In all other respects, the Code shall remain as previously enacted and ordained.

**SECTION 5: Severability.** If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect


**SECTION 6: Effective Date.** This Ordinance shall take effect immediately and in accordance with the law.

ORDAINED AND ENACTED this 8 day of June, 2023.

HALFMOON TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
David C. Piper, Chairman

ATTEST:

  
\_\_\_\_\_  
Township Secretary

