

CERTIFICATE AND ATTESTATION

I, Kim Zimmerman, do hereby certify and attest that I am the Borough Secretary of the Borough of Lewistown and in that capacity I have custody of the official Minute Book of the said Borough and the official Ordinance Book of the said Borough; and I hereby certify and attest that the annexed Ordinance No. 2024- 1 was duly adopted at a meeting of the Borough Council of said Borough held on **April 10, 2024**, of which notice of said meeting was duly given as required by law and a quorum of the Council Members was present; and that the said Ordinance was duly recorded among the official minutes of the Borough of Lewistown and in the official Ordinance Book of the Borough of Lewistown and that the same has not been altered, amended or rescinded but remains in full force and effect.

Certified this 10TH day of April, 2024.



Kim Zimmerman
Borough Secretary
Borough of Lewistown
Mifflin County, Pennsylvania

{Seal}

ORDINANCE NO. 2024 - 1

**AN ORDINANCE OF THE BOROUGH OF LEWISTOWN, MIFFLIN COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 192, SEWERS AND SEWAGE DISPOSAL,
BY THE ADDITION OF ARTICLE III, ON-LOT SUBSURFACE SEWAGE DISPOSAL
FACILITIES**

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, as follows:

SECTION 1: Amendment to the Code of Ordinances. The Code of Ordinances of the Borough of Lewistown, Chapter 192, Sewers and Sewage Disposal, is hereby amended by the addition of Article III, On-Lot Subsurface Sewage Disposal Facilities, as follows:

Chapter 192

Sewers and Sewage Disposal

Article III

On-Lot Subsurface Sewage Disposal Facilities

§ 192-30. Short title; legislative authority; purpose; program administration.

A. This article shall be known and may be cited as the "Borough of Lewistown On-Lot Subsurface Sewage Disposal Facilities Management Program".

B. As mandated by the municipal codes, the Clean Streams Law, Act of June 22, 1937, P.L. 1987 (35 P.S. § 691.1 et seq.), as amended, and the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, Act No. 537 (35 P.S. § 750.1 et seq.), as amended, 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 Code of the Borough of Lewistown, Chapter 192, Sewers and Sewage Disposal, Section 192-6, General Standards and Requirements provides that after May 6, 1942, no cesspool, septic tank or privy vault shall be constructed on any property within the Borough. No existing cesspool, septic tank or privy vault shall be connected in any manner to any sanitary sewer or stormwater sewer of the Borough or to any sewer lateral. When the use of any existing cesspool, septic tank or privy vault is discontinued, the cesspool, septic tank or privy vault shall be thoroughly cleaned, limed and covered to grade with clean earthfill. Because some septic systems from prior to May 6, 1942, are still in use in the Borough, it is necessary to formulate and to implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health by improper treatment and disposal of sewage.

C. The Borough Council of the Borough of Lewistown finds that septic tanks may constitute a problem in the Borough because of the following reasons:

(1) Poor site selection;

(2) Inadequate design;

- (3) Poor construction;
- (4) Hydraulic overloading; and
- (5) Lack of maintenance which may result in the following:
 - (a) Ground and surface water pollution;
 - (b) Foul odors;
 - (c) Well contamination, etc.;
 - (d) Nuisance problems; and
 - (e) Hazards to public health.

D. 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 to the proper administration of a sewage management program. This program shall be administered by Borough Council or its designee.

§ 192-31. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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."

ALTERATION — The repair, modification or replacement of any component of a subsurface waste disposal system.

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.

BOROUGH COUNCIL — The Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania.

CODES ENFORCEMENT OFFICER (CEO) — An individual employed by the municipality to administer and enforce other ordinances in the municipality.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

MALFUNCTION — The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into groundwaters of this Commonwealth, into surface water of this Commonwealth, backs up into the building connected to the system or otherwise causes a nuisance, hazard to the public health or pollution of groundwater or surface water or contamination of public or private drinking water wells. Systems shall be considered to

be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

MUNICIPALITY — The Borough of Lewistown, Mifflin County, Pennsylvania.

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the municipality and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act.

ON-LOT SEWAGE DISPOSAL SYSTEM — Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal.

PERSON — Any individual, association, public or private corporation for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or 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.

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

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law," as amended.

SEWAGE ENFORCEMENT OFFICER (SEO) — The official of the municipality who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

SEWAGE MANAGEMENT PROGRAM — A comprehensive set of legal and administrative requirements encompassing the requirements of this chapter and other administrative requirements adopted by the municipality to effectively enforce and administer the chapter.

SUBSURFACE WASTE DISPOSAL SYSTEM — A system for the disposal of domestic wastewaters operating below ground level and located on or near the site of the building or buildings being served by the system.

UNPLANNED — A subdivision or sewage system that has been recorded/built since May 15, 1972, which did not have a Sewage Facilities Planning Module properly submitted to the Department of Environmental Protection for its approval.

§ 192-32. Applicability.

From the effective date of this Article, its provisions shall apply in any portion of the municipality. The provisions of this chapter shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

§ 192-33. Permit requirements.

No work shall begin on any on-lot sewage disposal system, until the structure's owner receives from the municipality's Sewage Enforcement Officer a permit for alteration or replacement of the existing sewage disposal system.

§ 192-34. Inspections.

- A. Any on-lot sewage disposal system may be inspected by the municipality's authorized agent at any reasonable time as of the effective date of this ordinance.
- B. The inspection may include a physical tour of the property, the taking of samples from soils, 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 service to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. The municipality's authorized agent shall have the right to enter upon land for the purposes of inspections described above.
- D. Initial inspections shall be initiated by the municipality's authorized agent within one year of the effective date of this ordinance for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. 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 in such cases where malfunctions are identified.
- E. Regular inspections shall be carried out every four years thereafter in conjunction with the maintenance prescribed in this ordinance. These inspections shall be performed by a licensed pumper/hauler or other authorized agent of the municipality.
- F. The municipality and its authorized agent shall inspect systems known to be, or alleged to be malfunctioning. Should said inspections reveal that the system is malfunctioning, the municipality and its authorized agent shall take action to require the correction of the malfunction. If the rehabilitation is not technically or financially feasible in the opinion of the authorized agent or a representative of the Pennsylvania Department of Environmental Protection, then action by the property owner to mitigate the malfunction may be required.
- G. 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 the Act 537 Official Sewage Facilities Plan. When a DEP-authorized Official Sewage Facilities Plan Revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems 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 the Pennsylvania DEP, represents a serious public health or environmental threat.

§ 192-35. 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.

§ 192-36. Maintenance.

- A. Septic tank pumping required; proof of compliance.

(1) Any person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the tank pumped by a licensed qualified pumper/hauler within 12 months of the effective date of this Article. Thereafter, that person shall have the tank pumped at least once every four years, except as set forth hereinafter. The pumper/hauler shall submit a signed receipt to the Borough within the prescribed twelve-month, four-year or other required pumping periods. This receipt shall contain the following information:

- (a) The date of pumping;
- (b) The name and address of the system owner;
- (c) The address of the tank's location, if different from the owner's;
- (d) A description and diagram of the location of the tank, including the location of any markers, risers, and access hatches;
- (e) The size of the tank;
- (f) The age of the system;
- (g) The last date of pump out;
- (h) A list of other maintenance performed;
- (i) Any indications of system malfunction observed;
- (j) The amount of septage or other solid or semisolid material removed;
- (k) The cost of the pumping service;

(l) The waste hauler's state license number permitting it to collect and haul septage in the Commonwealth of Pennsylvania;

(m) A list of recommendations.

(2) The receipt shall be signed by the system owner certifying that the septage does not contain any of the prohibited substances listed in § 192-35.

(3) The receipt shall be submitted to the Borough to serve as proof of compliance with the pump-out requirements of this section. A copy shall be retained by the system owner and a copy shall be submitted to the site or facility accepting the septage for disposal.

B. The required pumping frequency may be increased or decreased at the discretion of the authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the buildup, if the system malfunctions or for other good cause shown. If any person can prove that his or her system tank had been pumped within four years of the one-year anniversary of the effective date of this Article, then the municipality may delay that person's initial required pumping to conform to the general four-year frequency requirement.

C. A required pumping cycle or the pumping frequency requirement as per this article may be omitted or skipped if a written application to omit or skip a required pumping cycle or pumping frequency requirement is submitted to the municipality by a person owning a building served by an on-lot sewage disposal system which contains a septic tank and, if, upon inspection by the certified Sewage Enforcement Officer (SEO) of the municipality, it is estimated by the certified Sewage Enforcement Officer (SEO) of the municipality that the measurement of the accumulated scum and sludge depth added together will not exceed 1/3 of the liquid depth of the tank before the next scheduled pumping. However, anything aforesaid to the contrary notwithstanding, no more than one consecutive required pumping cycle or consecutive pumping frequency requirement may be skipped or omitted.

D. Any person owning a property served by a septic tank shall submit, in conjunction with each required pumping receipt described above, a written statement from the pumper/hauler or from any other qualified individual acceptable to the municipality that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the municipality's certified Sewage Enforcement Officer for approval of the necessary repair.

E. Any person owning a building serviced by a cesspool or dry well shall have the system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the certified Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For systems consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.

F. 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.

§ 192-37. 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 tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Protection.

B. The municipality 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 serviced by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit. Repairs and/or relocation of malfunctioning systems shall be completed within 60 days after official notification by the municipality.

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 Sewage Enforcement Officer 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 shall set an extended completion date.

D. The municipality's certified Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.

E. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage 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.

§ 192-38. Disallowed equipment.

A. No garbage grinder or garbage disposal unit shall be permitted to discharge into on-lot sewage disposal systems.

B. Discharge of water from heat pumps to on-lot disposal systems shall be prohibited.

§ 192-39. Liens.

The municipality, upon written notice from the municipal Sewage Enforcement Officer 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 Sewage Enforcement Officer. The owner shall be charged for the work performed in an amount equal to the actual cost thereof together with all attorney's fees, out of pocket and administrative costs incurred by the Borough of Lewistown in collecting the same and, if necessary, a lien shall be entered therefor in accordance with law.

§ 192-40. Disposal of septage.

- A. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Septage of pumpers/haulers operating within the Borough shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, as amended, 35 P.S. §§ 6018.101 through 6018.1003, as amended).

§ 192-41. Administration.

- A. The municipality shall fully utilize those powers it possesses through enabling statutes and ordinances to carry out the purposes of this article.
- B. The municipality shall employ or contract with qualified individuals 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 sewage management district shall become the property of the municipality. Existing and future records shall be available for 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 Pennsylvania Department of Environmental Protection.
- D. The municipality shall establish all administrative procedures necessary to properly carry out the provisions of this article.
- E. Borough Council may establish a fee schedule, and subsequently collect fees to cover the cost to the municipality of administering this program.

§ 192-42. Appeals.

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

B. The appellant shall be entitled to a hearing before Borough Council at its next regularly scheduled meeting, if the appeal is received at least 14 days prior to the 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.

§ 192-43. Violations and penalties.

A. Any person who shall violate any provisions of this Article or who is the owner of a property on which a condition exists which constitutes a nuisance under this article or under the Pennsylvania Sewage Facilities Act, Act 537, 35 P.S. § 750.1 et seq., as amended and supplemented, or who resists or interferes with any officer, agent or employee of the municipality in the performance of his or her duties, acting in accordance with this article and in accordance with Pennsylvania Sewage Facilities Act, Act 537, 35 P.S. § 750.1 et seq., as amended and supplemented, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$500 nor more than \$5,000, plus costs, or to imprisonment not to exceed 90 days, or both.

B. In addition thereto, the municipality shall have the power to institute suits at law or, in accord with the provisions of the Pennsylvania Sewage Facilities Act, Act 537, specifically Section 12 thereof (35 P.S. § 750.12), as it may be amended and supplemented and the regulations promulgated in accord therewith, in equity in order to enforce this article. The appropriate officers or agents of the municipality are hereby authorized to seek equitable relief, including injunctions, to enforce compliance herewith.

C. In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this article, or for a violation of any other provision of the Pennsylvania Sewage Facilities Act, Act 537, 35 P.S. § 750.1 et seq., as it may be amended or supplemented, or any rule or regulation promulgated under the Pennsylvania Sewage Facilities Act, Act 537, aforementioned, or any order or permit issued by the Pennsylvania Department of Environmental Protection, or by the municipality pursuant to the Pennsylvania Sewage Facilities Act, Act 537, aforementioned, and/or this article, the municipality, after notice and hearing, may assess a civil penalty against any person for that violation, may assess the cost of damages caused by such violation and the cost of correcting the violation, all as authorized in and in accord with the provisions and procedures set forth in the Pennsylvania Sewage Facilities Act, Act 537, Section 13.1 (35 P.S. § 750.13a), as it may be amended and supplemented from time to time, and any rules or regulations promulgated thereunder. The civil penalty so assessed shall not be less than \$300 and not more than \$2,500 for each violation. Further, in any case where the municipality determines that damages resulting from the violation is of a continuing nature, the municipality may impose a weekly assessment of not more than \$2,500 per week for each

week the violation continues unabated by the violator. The weekly assessment shall accrue indefinitely after the date of notice of assessment to the violator. The procedures, fines, civil penalties and fees otherwise set forth in the Pennsylvania Sewage Facilities Act, Act 537, Section 13.1 (35 P.S. § 750.13a), as it may be amended and supplemented from time to time, and any rules or regulations promulgated thereunder, are otherwise incorporated herein by reference to the extent such are applicable to the municipality and provide rights and remedies to the municipality.

SECTION 2: Amending of the Table of Contents. The Table of Contents for Chapter 192, Sewers and Sewage Disposal, is hereby amended by the addition of Article III, On-Lot Subsurface Sewage Disposal Facilities, as follows:

Article III

On-Lot Subsurface Sewage Disposal Facilities

§ 192-30	Short title; legislative authority; purpose; program administration
§ 192-31	Definitions
§ 192-32	Applicability
§ 192-33	Permit requirement
§ 192-34	Inspections
§ 192-35	Operation
§ 192-36	Maintenance
§ 192-37	System rehabilitation
§ 192-38	Disallowed equipment
§ 192-39	Liens
§ 192-40	Disposal of septage
§ 192-41	Administration
§ 192-42	Appeals
§ 192-43	Violations and penalties

SECTION 3: Severability. If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.

SECTION 4: Repealer and Savings. Any Ordinance or part of any Ordinance, or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting or not inconsistent herewith are confirmed and incorporated herein by reference as if fully set forth.

SECTION 5: Location, Renumbering and Relettering. The location and numerical or alphabetical designation of this Ordinance and the sections and subsections included therein shall be delegated to the discretion of then appointed Codifier of the Code of the Borough of Lewistown (presently the Codifier is "General Code") which may renumber and/or reletter this Ordinance and the sections and subsections therein as are necessary to accommodate this Ordinance in the Code of the Borough of Lewistown. The Codifier shall make no substantive changes to this Ordinance. Any such rearranging, renumbering, relettering and editing shall not affect the validity of this Ordinance or the provisions of the Code affected thereby.

SECTION 6: Effective Date. This Ordinance shall take effect immediately.

ORDAINED AND ENACTED by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, in public session assembled, this 10th day of April, 2024.

BOROUGH OF LEWISTOWN

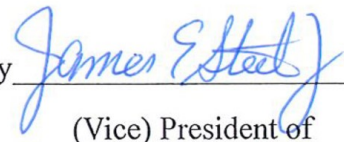
Mifflin County, Pennsylvania

Attest:



Borough Secretary

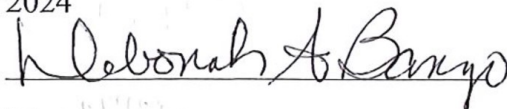
(SEAL)

By 

(Vice) President of

Borough Council

This Ordinance was read and is hereby approved by me this 10th day of April, 2024



Mayor

(SEAL)

