

TOWNSHIP OF WEST LAMPETER

Lancaster County, Pennsylvania

ORDINANCE NO. 272

AN ORDINANCE TO ESTABLISH REGULATIONS CONCERNING THE INSTALLATION, INSPECTION, AND ONGOING MAINTENANCE OF ALL ON-LOT SEWAGE DISPOSAL SYSTEMS; TO REQUIRE THE REGISTRATION OF SEPTAGE PUMPER/HAULERS; TO PERMIT INTERVENTION IN SITUATIONS WHICH MAY CONSTITUTE A PUBLIC NUISANCE OR HAZARD TO THE PUBLIC HEALTH; TO ESTABLISH PROCEDURES, PENALTIES AND APPEAL RIGHTS NECESSARY FOR THE PROPER ADMINISTRATION OF A SEWAGE MANAGEMENT PROGRAM FOR THE TOWNSHIP OF WEST LAMPETER.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the West Lampeter Township, Lancaster County, Pennsylvania, as follows:

Section 1. Title. This Ordinance shall be known and may be cited as the "West Lampeter Township On-Lot Sewage Disposal System Management Ordinance."

Section 2. Definitions and Word Usage.

- A. Word Usage. In the interpretation of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Definitions.

Absorption Area Easement - A portion of a lot, tract, or parcel that encompasses the primary and replacement absorption area and which shall be delineated and preserved. The primary and replacement absorption areas need not be contiguous.

Act 537 - The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 et al. seq.

Authorized Agent - A Sewage Enforcement Officer certified by the Department (which may or may not be the Township SEO) or a licensed pumper/hauler for the Township.

BCO – The Building Code Official of the Township appointed to administer the Uniform Construction Code.

Board - The Board of Supervisors for West Lampeter Township, Lancaster County, Pennsylvania.

Community Sewage System - Any system, whether publicly or privately owned, for the collection of sewage of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and which shall comply with all applicable DEP regulations.

DEP/Department - The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP) or any agency successor thereto.

Developer - Any person 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.

Individual On-Lot Sewage Disposal System (Individual OLDS) - Any system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Land Development – Any land development as defined in the Subdivision and Land Development Ordinance.

Lot - A parcel of land used or intended to be used as a building site or separate parcel to be created as a result of approval of a subdivision or land development application. The term lot shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one or more persons or families.

Malfunction - The condition which occurs when a sewage system causes pollution to the ground or surface waters of the Commonwealth, contamination of private or public drinking water supplies, nuisance problems or hazards to public health.

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

On-Lot Sewage Disposal System (OLDS) - Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems. A wastewater treatment plant and associated facilities which is individually permitted by DEP is not an OLDS subject to the Ordinance.

Owner - Any person having legal title to a lot containing an OLDS or which is proposed to be developed.

Person - Any individual, association, partnership, public or private corporation whether for profit or non-profit, trust, firm, 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 imprisonment or the ordering of the action to comply with the terms of this Ordinance, the term "person" shall include the members of an association, partnership or firm or other legal entity.

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

Pumper/Hauler – any person who engages in cleaning on-lot sewage disposal systems and transports the septage removed from those systems.

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

Replacement Absorption Area - A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Township ordinances for an OLDS. Both primary and replacement absorption areas must pass percolation and probe tests.

Retaining Tank - A watertight receptacle that 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:

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

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

Privy - A tank designated to receive sewage, where water under pressure is not available.

Incinerating Toilet - A device capable of reducing waste materials to ashes.

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.

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

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, or to animal or aquatic life or to the use of water for domestic water supply or for recreation, or a substance which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law (35 P.S. §691.1001), as amended.

Sewage Enforcement Officer (SEO) - A person certified by the Department, who is employed/appointed by the Board to administer the provisions of this Ordinance, the provisions of Act 537, and as further defined in Act 537 and in Chapters 71, 72 and 73 of Title 25 of the Pennsylvania Code.

Sewage Facilities - Any method of sewage collection, conveyance, treatment, and disposal, which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

Sewage Management District - The maintenance districts of the Township as designated in the Official Sewage Facilities Plan.

Sewage Management Program - A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, Act 537, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this ordinance.

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.

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

Subdivision - A subdivision as defined in the Subdivision and Land Development Ordinance.

Subdivision and Land Development Ordinance – The ordinance governing subdivisions and land development in the Township enacted by the Board of Supervisors or, if no such ordinance has been enacted, the Lancaster County Subdivision and Land Development Ordinance.

Township - West Lampeter Township, Lancaster County, Pennsylvania.

Treatment Tank - A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

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

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

- C. Additional Definitions. All words within this Ordinance which are defined within Chapters 71, 72, or 73 of Title 25 of the Pennsylvania Code which are not otherwise defined herein shall have those definitions contained in said Regulations.

Section 3. Applicability and Adoption of Standards by Reference.

- A. From the effective date of this Ordinance, its provisions shall apply to the Township. The provisions of this Ordinance shall apply to all persons owning any property serviced by an OLDS and to all persons installing or rehabilitating OLDS.
- B. A certain document, three (3) copies of which have been and are presently on file in the office of the Secretary of the Township of West Lampeter, being marked and designated as Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, being promulgated by the Department of Environmental Protection of the Commonwealth of Pennsylvania, be and are hereby adopted as the sewage permit application and installation procedure of the Township and each and all of the regulations contained in the said Chapters are hereby adopted by the Township except as modified by this Ordinance. It is the intent of the Board to adopt all subsequent amendments and revisions to the said Chapters as permitted by law and in accordance with the provisions of 1 Pa. C.S. §1937(a). If such an intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt the said Chapters as they existed on the effective date of this Ordinance.

Section 4. Permit Requirements.

- A. All on-lot sewage disposal systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, must obtain a permit from the SEO which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of this Ordinance, the Clean Streams Law and Act 537 and

the regulations adopted pursuant to those acts. No person shall install, construct or award a contract for construction, or alter, repair or connect to an OLDS or construct, or request bid proposals for construction, or install or occupy any building or structure for which an OLDS is to be installed without first obtaining said permit.

- B. In the event that a sewage permit is issued by the SEO, it is specifically required that the on-lot sewage disposal system constructed upon the premises noted on the permit shall not be covered nor operation of said OLDS permitted, until said system has been inspected and approved by the SEO. The applicant may cover the installation upon receipt of written approval by the SEO, or in the absence of written approval or disapproval, at the expiration of seventy-two hours, excepting on Sundays and holidays, after the OLDS has been inspected by the SEO unless permission has been specifically refused by the SEO.
- C. No building or zoning permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained for the SEO.
- D. No building or zoning permit shall be issued and no work shall begin on any addition, alteration or conversion of any existing structure, if said addition, alteration or conversion will result in the increase or potential increase of sewage flows from the structure, until the Township Zoning Officer and the structure's owner receive from the SEO either a permit for alteration, rehabilitation or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The SEO shall determine whether the proposed addition, alteration or conversion of the structure will result in increased sewage flows.
- E. No occupancy certificate/permit shall be issued by the Township Zoning Officer or BCO for the occupancy of any new building, addition, alteration or the change of use of any building, addition or alteration until the SEO has informed the Township or said official that the existing or newly constructed OLDS is complete, operating and has had final inspection or that no such certification is necessary.
- F. No contractor may proceed to install, construct, rehabilitate or alter an OLDS without verifying that the property owner has complied with this Section.
- G. Applicants for sewage permits are required to notify the 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 the Act 537 may be scheduled and performed by the SEO.
- H. No OLDS shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.
- I. No OLDS shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that OLDS' installation.

- J. Permit applications for OLDS, 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.
- K. Only the Township SEO may issue sewage permits. DEP shall be notified as to the identity of each SEO.

Section 5. Primary and Replacement Areas.

- A. A replacement absorption area shall be required for all proposed lots, which are to be serviced by a soil absorption system.
- B. A replacement absorption area shall be required for all new land development as of the effective date of this Ordinance which is intended to be served by a soil absorption system, but for which a permit to install an on-lot sewage disposal system has not been issued.
- C. If the property with respect to which an on-site sewage disposal permit was issued does not have a designated replacement absorption as of the effective date of this Ordinance and a lot owner applies only for an addition or alteration to an existing building on the lot which does not involve any expansion of nor alterations to the existing OLDS, a replacement absorption area will not be required.
- D. Allowance of open land for the replacement absorption area, without performance of appropriate soil probes and percolation testing to verify suitability of the land for a replacement absorption area, shall not constitute compliance with the requirements of this Section.
- E. The location of the primary and replacement absorption areas shall be delineated and identified as an absorption area easement on the plot plans, and maps or diagrams submitted as part of the permit application, and subdivision or land development plan. Both the primary and replacement absorption areas must pass percolation and probe tests witnessed by the SEO.
- F. The following shall apply with respect to designated absorption areas:
 - 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 adequately 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 (grass).
- G. A lot owner who desires to alter or terminate an absorption area easement must first establish, through a site evaluation by the SEO and with percolation test and soil probe results, that a substitute area suitable for the installation of an on-lot sewage disposal system exists. If the SEO concurs that the proposed substitute area is suitable for the installation of an on-lot sewage disposal system the lot owner shall:
1. Prepare and submit to the SEO and Township Solicitor for approval a proposed Declaration of Easement, which shall satisfy all of the identification, non-use and preservation requirements of Section 5.F of this Ordinance;
 2. Prepare and submit to the SEO and Township Solicitor for approval a proposed Termination of Easement to terminate the existing absorption area easement which the lot owner desires to alter or terminate, which shall include a metes and bounds boundary description of the easement area to be terminated; and
 3. In the event there is a recorded plan which depicts the replacement absorption area and/or absorption area easement that is being terminated, the lot owner shall submit to the Township a revised plan of the lot which depicts both the replacement absorption area being terminated and the substitute replacement absorption area which plan shall meet the requirements of, and be reviewed and approved in accordance with, the requirements of the Subdivision and Land Development Ordinance.
- Should the lot owner so desire, the Declaration of Easement and Termination of Easement may be included in the same document.
- H. Within 90 days of the approval of the Declaration of Easement and Termination of Easement by the SEO and the Township Solicitor, and the approval of the plan required by Section 5.G.3 of this Ordinance, if applicable, the lot owner shall execute the Declaration of Easement and the Termination of Easement and record the same, together with the approved plan (if applicable) in the Lancaster County Recorder of Deeds' Office. Failure to do so shall result in said approvals automatically becoming null and void.
- I. The lot owner shall provide a copy of all of the recorded documents to the Township, and until receipt of the same, no sewage or building permits shall be issued which would permit land development in accordance with the change to the absorption area easement.

Section 6. Individual Residential Spray Irrigation Systems.

- A. All applications for an OLDS which propose to use an Individual Residential Spray Irrigation System as the treatment method shall be accompanied by one of the following:

1. An operation and maintenance agreement in form and substance satisfactory to the Township between the lot owner and an individual, firm, corporation or other legal entity experienced in the operation and maintenance of individual residential spray irrigation systems; or
 2. An operation and maintenance agreement in form and substance satisfactory to the Township between the landowner and an association, trust or other legal entity, which is structured to provide, and which accepts the responsibility for, the proper operation and maintenance of the Individual Residential Spray Irrigation System.
- B. Applications for Individual Residential Spray Irrigation Systems shall be accompanied by a financial guarantee in the form of an irrevocable letter of credit from a federally or Commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania; a lending or escrow account in such a lending institution; or other financial security acceptable to the Board as follows:
1. From the date the permit application is submitted to the SEO or Township and continuing for a period ending two years after the completed system installation is approved by the SEO, the amount of the financial guarantee shall be equal to the contract price for the installation of the Individual Residential Irrigation System and all piping, tankage, and other related system components.
 2. Beginning two (2) years after the date the completed system's installation is approved by the SEO and continuing for the system's design life, the financial guarantee shall be reduced to an amount not less than ten (10%) percent of the actual construction cost for the installation of the Individual Residential Irrigation System and all piping, tankage, and other related system components.
- C. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the Individual Residential Spray Irrigation System in the event that the owner:
1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications, or,
 2. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this Ordinance, or,
 3. Fails to conduct testing and monitoring at least annually or more frequently if required by DEP regulation and report the results of any laboratory analysis to the Township, or,
 4. Voids, cancels, or terminates and fails to replace in a manner approved by the Township the agreement required by Section 6.A.

- D. The Township shall have the right to draw upon said financial guarantee and apply the funds to the repair, operation, or maintenance of the Individual Residential Spray Irrigation System when:
1. The Individual Residential Spray Irrigation System is not maintained according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications, or,
 2. The treatment tank(s) are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Ordinance, or,
 3. The testing and monitoring are not conducted according to the standards of this Ordinance, or,
 4. The agreement required by Section 6.A is voided, canceled, or terminated and is not replaced in a manner approved by the Township.
- E. If at any time the Township draws on the financial guarantee, the Owner shall, upon ten (10) days written notice, provide the Township with such additional financial guarantees as are necessary to restore the amount of the financial guarantee to the amount then required pursuant to Section 6.B above.

Section 7. Inspections.

- A. An Authorized Agent may inspect any OLDS at any reasonable time after the effective date of this Ordinance, with the permission of the Owner or occupant of the property.
- B. OLDS inspections can include a physical tour of the property, the taking of samples from surface waters, wells, other groundwater sources, the sampling of the contents of the OLDS itself and/or the introduction of a traceable substance into the interior plumbing of the structure served by said OLDS to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. Each Owner, at the Owner's cost and expense, shall arrange for and have an Authorized Agent of the Township conduct an initial inspection conforming to the schedule in Section 12 of this Ordinance for the purpose of determining the type and functional status of each OLDS in each respective sewage management district. The Authorized Agent shall prepare a written report of the results of the inspection, a copy of which shall be furnished to the Owner of the property inspected and a copy of which shall be provided to the Township to be maintained in the Township's records. The ultimate responsibility for insuring that the Township has received a copy of such written report shall be upon Owner.
- D. After the initial inspection referred to in Section 7.C above, each Owner, at the Owner's cost and expense, shall arrange for, and have performed, routine inspections by an Authorized Agent in conjunction with the minimum pumping schedule for that Owner's property as provided in Section 12 of this Ordinance, to assure the OLDS continues to

function properly. The Authorized Agent shall prepare a written report of the results of the inspection, a copy of which shall be furnished to the Owner of the property inspected and a copy of which shall be provided to the Township to be maintained in the Township's records. The ultimate responsibility for insuring that the Township has received a copy of such written report shall be upon the Owner.

- E. In the event an inspection reveals that an OLDS is malfunctioning, West Lampeter Township and the Owner shall proceed in accordance with the provisions of Section 13 of this Ordinance.
- F. If at any time there is a geographic area where numerous OLDS are malfunctioning, a resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning OLDS within the area affected by the revision may be delayed pending the outcome of the plan revision process. However, immediate corrective action will be required whenever a malfunction, as determined by Township Officials and/or DEP, represents a serious public health or environmental threat.

Section 8. Operation. Only normal domestic wastes shall be discharged into any OLDS. The following shall not be discharged into the OLDS:

- A. Industrial waste.
- B. Automobile oil and other non-domestic oil.
- C. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.

Section 9. Maintenance of Systems.

- A. The owner of the property upon which an OLDS is constructed shall at all times operate and maintain the OLDS and the area around the OLDS in such condition as will permit it to function in the manner it was designed and to prevent a malfunction.
- B. In an event a lot owner detects conditions that indicate or could reasonably indicate a malfunction, the lot owner shall contact the SEO and, if repair and replacement is necessary, apply for a permit to repair or replace the malfunctioning OLDS within fourteen (14) days after the determination by the SEO that repair or replacement is necessary.
 - 1. Owners who disclose to the SEO the presence of a malfunction shall not be penalized for the disclosure, provided that voluntary repairs are scheduled and

commenced within sixty (60) days after the determination by the SEO that repair or replacement is necessary, and completed within ninety (90) days after the determination by the SEO that repair or replacement is necessary, unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended commencement and/or completion date.

2. Notwithstanding the foregoing, the Township may compel or take immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.
 3. If a lot owner that has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may, in addition to any other rights or remedies available to it, may seek injunctive or other relief to compel the repair of the malfunction or cause the repairs to be effectuated. In the event the Township causes the repairs to be effectuated, all costs and expenses incurred by the Township in relation to the same shall be borne and paid by the lot owner upon demand, and shall constitute a lien against the property until paid.
- C. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in Section 12 of this Ordinance. If a component's manufacturer recommends or requires a more frequent pumping interval than that contained in this ordinance, the Township shall be notified of that fact and that interval shall be deemed to be the minimum interval for pumping.
- D. When an OLDS treatment tank(s) is/are pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
- E. Retaining tanks 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 what is recommended by the manufacturer.
- F. Upon completion of each required pumping, the pumper/hauler shall:
1. Complete a Pumper Report.
 2. Deliver the original Pumper Report to the lot owner.
 3. Deliver a copy of the Pumper Report to the Township by the 10th business day of the month following inspection and/or pumping.
 4. Prepare the report on Township provided forms.
- G. The first time an OLDS tank(s) are inspected, the Pumper Reports shall include the following minimum information which shall be developed, discovered or otherwise obtained as the result of a system inspection conducted according to the then current

Inspection Protocol of the Township (*West Lampeter Township On-Lot Sewage Disposal System Sludge Manifest*):

1. Date of pumping, tank capacity, and material.
 2. Name and address of system and lot owner.
 3. Property address where tank is located, if different from owner's.
 4. Description and diagram of the location of the (b and c if available):
 - a) Treatment tank.
 - b) Risers.
 - c) Access hatches, pump tanks, filters, D-Box, absorption areas, etc. with distances relative to two fixed landmarks.
 5. Presence and condition of baffles in ALL tanks and ALL compartments.
 6. Permit number and date existing OLDS was installed (if known, month/year).
 7. List of maintenance performed (if available).
 8. Indications of system malfunction observed.
 9. Amount (gallons) of septage, sludge, or other material removed.
 10. DEP Permit # and site name for destination of the septage.
 11. Pumper/Hauler truck operator's & pumper/hauler business owner's signature(s).
- H. Initial and periodic tank pumping shall be performed in accordance with these minimum standards unless an equipment manufacturer specifies other standards:
1. The main tank access (largest opening) shall be used to pump all tanks.
 2. Inspection ports shall not be used for pumping.
 3. Septage shall be removed to a depth no greater than one (1) inch to the bottom of tank; if necessary, back flushing shall be employed to achieve this standard.
- I. Periodic tank pumping shall include an inspection and a report to the Township on forms provided by the Township regarding the presence of any or all of the following:
1. Defective tank components (lids, baffles, dividers, etc.).

2. Water level above outlet pipe elevation.
 3. Back-flow from the absorption area following pump out.
 4. Inflow from the building(s) served to verify connection to the building(s).
 5. Presence of surface discharge, ponding or other signs of malfunction in the vicinity of the absorption area.
- J. Any person owning a building served by an aerobic treatment tank or an OLDS which includes any electrically, mechanically, hydraulically, or pneumatically operated or controlled device shall follow the maintenance recommendations of the equipment's manufacturer.
1. If not on file with Township, a copy of the manufacturer's recommendations and owner's manual shall accompany the Pumper's report the first time the system is pumped after the effective date of this Ordinance.
 2. Owners of systems with components requiring periodic maintenance shall submit receipts as proof that maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturers.
 3. In no event shall the service or pumping intervals extend beyond those established in Section 12 of this Ordinance unless relief is granted by the SEO pursuant to the provisions of Section 17.D of this Ordinance.
 4. At the time of the first inspection/pumping the OLDS owner must have all risers installed and raised to grade of the land if not already pre-existing.
- K. 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.
- L. In addition to the foregoing, grease traps shall be inspected a minimum of every six (6) months and pumped out a minimum of once a year. Grease shall be pumped out, hauled and disposed of in accordance with the same requirements as septage. The grease trap baffles and structural integrity shall be checked each time the trap is pumped out. A written statement from the pumper/hauler stating that the grease trap is in good working order shall be provided to the Township; otherwise the Township shall be promptly notified in writing of any deficiencies found.

Section 10. Maintenance of Community Sewage Systems. All persons who own a lot which is served by a community sewage system shall properly use such community sewage system. The owner of the community sewage system shall properly maintain the community sewage system.

In addition to the requirements of Section 9, proper maintenance of a community sewage system shall include:

- A. Inspection of the community sewage system by the Township SEO or by a sewage enforcement officer certified by DEP on a bi-monthly basis. If the inspection is performed by a sewage enforcement officer other than the Township SEO, the property owner shall submit the inspection report prepared and signed by the sewage enforcement officer to the Township within one month after the date of inspection of the community sewage system. All laboratory analyses required to be submitted by DEP or DEP's regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the SEO or his designee.
- B. Removal of septage or sludge in accordance with DEP regulations and manufacturer specifications.
- C. Maintenance of surface contouring and other measures consistent with the regulations of DEP to divert storm water away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.
- D. Following any operation and maintenance recommendations of the manufacturer of the community sewage system.
- E. Requiring that all users of the community sewage system discharge only domestic sanitary sewage into the community sewage system. The owner of the community sewage system shall inform all users of the community sewage system that the types of waste described in Section 8 of this Ordinance shall not be permitted to be discharged.

Section 11. Pumper/Hauler Business Registration. All pumper/hauler businesses operating within the Township shall:

- A. Register with the Township annually, by the last day of December.
- B. Comply with all reporting requirements established herein.
- C. Operate in a manner consistent with the provisions set forth by the Township.
- D. Provide a current fee schedule for all services required under this Ordinance.
- E. Provide documentation that all septage pumped from properties within the Township boundaries will be delivered to a DEP approved site or facility.

Section 12. Maintenance District for Individual OLDS Created.

- A. The Township is hereby designated as a maintenance district.
- B. Every individual OLDS in a respective District shall be inspected and pumped in accordance with the provisions of this Ordinance, at least one time by January 1, 2025.
- C. The initial inspection shall comply with the requirements of Section 9 of this Ordinance.
- D. After the initial inspection and pumping, all tanks in all on-lot sewage disposal systems shall be inspected at a minimum regular interval of once every three (3) years from the year of either the initial inspection and pumping or a subsequent inspection or pumping. If the inspection demonstrates that the treatment tank is filled with solids (sludge and/or scum) in excess of 25% of the liquid depth of the tank, the tank shall be pumped.

All inspections and pumping shall be performed by an Authorized Agent, arranged for by the property Owner, at the Owner's cost and expense. The Authorized Agent shall prepare a written report of the results of the inspection and a certification that the tank has been inspected and/or inspected and pumped, a copy of which shall be furnished to the Owner of the property and a copy of which shall be provided to the Township to be maintained in the Township's records. The ultimate responsibility for insuring that the Township has received a copy of such written report shall be upon Owner.

- E. Owners may choose to have their OLDS inspected and tanks pumped out more frequently than required by this Ordinance. In the event of a more frequent inspection and pumping performed by an Authorized Agent, and the receipt by the Township of the report and certification by such Authorized Agent as specified in Section 12.D above, the date of the subsequent required regular inspection and pump out shall be deemed to be the last day of the month three years after such voluntary inspection and pump out. The ultimate responsibility for insuring that the Township has received a copy of such written report shall be upon Owner.
- F. With the permission of the Owner or occupant of the property, inspections may also include, but are not limited to:
 - 1. Taking of samples from surface water, wells, other groundwater sources.
 - 2. Sampling of the contents of the OLDS; and
 - 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.

In the event an Owner or occupant shall refuse permission for any additional inspections which the Authorized Agent believes to be necessary to make an adequate determination

as to whether the OLDS is functioning properly and/or the extent of any malfunction, the Authorized Agent shall note that fact in the written report issued by the Authorized Agent.

- G. In the event the Township shall not have received a copy of the required written inspection/pumping report for any property by the expiration of the inspection/pumping period applicable to that property, the Township shall provide written notification of that fact by United States registered or certified mail to the Owner at the address of the Owner as set forth in the Lancaster County real estate tax assessment records, and request the Owner to provide a copy of the required written report to the Township within thirty (30) days of the date of such notice. Failure of the Owner to provide a copy of the required written report to the Township within thirty (30) days of the date of such notice shall constitute a violation of this Ordinance.

Section 13. OLDS Rehabilitation.

- A. The Township shall require 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 OLDS, or on which raw or partially treated sewage is being discharged without a permit.
 2. Within fourteen (14) days of notification by the Township that a malfunction has been identified, the owner shall make application to the Township for a repair permit to abate the malfunction.
 3. Within sixty (60) 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 set an extended commencement date.
 4. Within ninety (90) days of the original notification by the Township, the repair or replacement shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
- B. The Township shall require, or may take, immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.
- C. The SEO shall require the repair of malfunctions by any of the following methods, either individually or in combination, which are consistent with the DEP's policies regarding Best Technical Guidance (BTG):
1. Cleaning.
 2. Repair and/or replacement of components of the existing OLDS.
 3. Adding capacity or otherwise altering or replacing the OLDS' treatment tank.

4. Expanding or replacing the existing absorption area.
 5. Replacing a gravity distribution system with a pressurized system.
 6. Replacing the system with a holding tank.
 7. Installation or replacement of existing water consuming devices, fixtures or equipment with water conserving devices, fixtures or equipment and/or the institution of water conservation practices noted by the SEO and submitted to the Township.
 8. Limiting or eliminating the use of laundry facilities noted by the SEO.
 9. Other alternatives as appropriate for the specific site to lessen or mitigate the malfunction to the greatest extent possible.
- D. If total correction cannot be done in accordance with the regulations of DEP, including, but not limited to, those outlined in Chapter 73 of Title 25 of the Pennsylvania Code; or, is not technically or financially feasible in the opinion of the SEO and a representative of DEP; then partial correction of the malfunction is required by the lot owner in a manner satisfactory to the SEO and the DEP.
- E. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing OLDS, the owner may be required to apply 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 thirty (30) days.

Section 14. Disposal of Septage.

- A. All septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. subsection 6018.101 et seq.) and other applicable laws and at sites or facilities approved by DEP.
- B. Pumper/Haulers of septage operating within the Township shall operate in a manner consistent with the provisions set forth by the Township and all other applicable laws.

Section 15. Administration.

- A. The Township shall fully utilize those powers it possesses through enabling statutes, regulations and ordinances to effectuate the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.
- C. All permits, records, reports, files and other written materials relating to the installation, operation, maintenance and malfunction of OLDS in the Township shall become the property of, and be maintained by, the Township.
- D. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- E. The Board may by resolution establish and revise forms, a fee schedule, and authorize the collection of fees to cover the costs of the Township, in administering this Ordinance.

Section 16. Reporting of Malfunctioning OLDS. Any person who owns a lot upon which an OLDS, any person who occupies a lot upon which an OLDS is installed, any person who owns a community sewage system, and any septage hauler pumping out or otherwise maintaining an OLDS shall report any malfunctioning of such OLDS to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction.

Section 17. Duties of the SEO. In addition to all other duties of the SEO set forth in this Ordinance, the SEO shall have the power and duty to enforce the provisions of this Ordinance and to investigate any reports of malfunctioning OLDS or evidence that an OLDS may be malfunctioning which the SEO discovers. In performing these duties the SEO shall have the following powers:

- A. To conduct routine inspections of properties upon which OLDS are installed as part of an administrative program to insure compliance with this Ordinance. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions.

- B. To make reports as requested by the Board regarding maintenance of OLDS in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.
- C. To consult with the Township Engineer and the Township Solicitor, as authorized by the Board, to assist in the enforcement of this Ordinance.

Section 18. Appeals, Hearings and Requests for Relief.

- A. Appeals from the determination of the SEO or other Authorized Agent under this Ordinance, shall be filed with the Township Secretary. Such appeals shall be in writing, signed by the Appellant, and be filed within thirty (30) days of the date of the determination appealed from. The appeal shall set forth the determination appealed from, the reason or basis for the appeal and the relief sought. No appeal shall be considered complete without the required fee.
- B. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Local Agency Law, 2 Pa. C.S. §551 et seq., and in accordance with the following requirements:
 - 1. Written notice shall be given to the Appellant, the SEO or other Authorized Agent whose determination is being appealed and such other persons as the Board of Supervisors shall determine. Written notice shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but shall be given not less than fifteen (15) days prior to said hearing.
 - 2. The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
- C. Relief from Replacement Area Requirement.
 - 1. If any unimproved lot held in single and separate ownership on October 7, 2000, does not contain suitable land for both a Primary and Replacement Absorption Area, the Owner may apply to the SEO for relief from the requirement for a Replacement Absorption Area.
 - 2. At a minimum, Owners seeking relief shall present documentation or other evidence to the SEO demonstrating:
 - a) That the lot was held in single and separate ownership on October 7, 2000, and continues to be so held.

- b) The size of the lot.
- c) The locations and results of soil evaluations and tests conducted on the lot which establish that the soil conditions on the lot are of an extent and/or nature that only a Primary Absorption Area can exist on the lot.
- d) The inability of the Owner to acquire adjacent land suitable to be used for a Replacement Absorption Area.
- e) Any other information which the Owner believes supports the Owner's request.

Within twenty-one (21) days after complete receipt of the foregoing by the SEO, the SEO, after conducting such site inspections as are deemed reasonably necessary by the SEO to enable a determination to be made, shall render a written determination to the Owner granting or denying the request. Failure of the SEO to render a written determination within said twenty-one (21) day period shall be deemed to be a denial of the request.

D. No lot shall be completely exempted from the requirements of Section 12 of this Ordinance regarding initial system inspection and/or periodic tank pumping.

1. The required inspection 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 system based on:
 - a) Loading rates which are greater than described in the permit for the system; or,
 - b) For other good cause.
2. The SEO may lengthen the required inspection interval upon application where the owner can demonstrate that the system can operate properly without the need for inspection for a period longer than three 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 quarter of the liquid capacity of the 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 evaluation indicating that no apparent malfunction exists on the property.

- e) The system is consistent with the permit that was issued for the property.
 - f) The maximum occupancy of a residence has not exceeded a total of two persons for the previous year. This exception is specifically limited from the date of granting.
3. Any altered pumping frequency shall automatically end when the factors upon which the altered requirements are predicated are removed or are no longer applicable.

Section 19. Violations and Penalties.

- A. It shall be a violation of this Ordinance to commit or permit any other person to commit any of the following acts:
- 1. To install, repair, modify or alter an OLDS or a community sewage system prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
 - 2. To misuse or fail to maintain an OLDS or a community sewage system.
 - 3. To fail to report a malfunctioning OLDS or community sewage system.
 - 4. To fail to remedy a malfunctioning OLDS or community sewage system.
 - 5. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an OLDS or community sewage system unless the SEO has approved an alternate replacement location in accordance with Sections 8 and 10 of this Ordinance.
 - 6. To place false information on or omit relevant information from an application for a permit.
 - 7. To occupy or permit the occupancy of any structure served by an OLDS for which a valid permit has not been obtained as required by this Ordinance.
 - 8. To occupy or permit the occupancy of any structure served by a community sewage system for which a valid permit has not been obtained as required by this Ordinance.
 - 9. To fail to comply with any other provision of this Ordinance.
- B. Any person who violates or permits the violation of any provision of this Ordinance; or who shall use, maintain or alter an OLDS or community sewage system in violation of any permit issued by the Sewage Enforcement Officer; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely

implement a plan to remedy a health hazard which has been reviewed and approved by the Sewage Enforcement Officer shall be liable upon summary conviction therefor to fines and penalties of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution, which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Ordinance shall be paid over to the Township Treasurer. Each day that a violation continues and each section of this Ordinance which is violated constitutes a separate violation.

Section 20. Remedies. In case any improvement is constructed or any lot maintained in violation of this Ordinance, or any OLDS or community sewage system is installed, repaired, altered or modified prior to obtaining a permit as required by this Ordinance or in a manner which does not comply with such permit, or any OLDS or community sewage system is not properly maintained or the malfunction of any OLDS or community sewage system is not reported to the Township, in addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or such unlawful maintenance of such lot or the continued use of such OLDS or community sewage system.

Section 21. Declaration of Nuisance. The following activities are hereby declared to be nuisances:

- A. Construction of improvements on the Replacement Location. Such construction renders the Replacement Location useless and therefore jeopardizes the water quality and other natural resources of the Township. This harm to the water quality and other natural resources of the Township is a danger to the health, safety and welfare of the residents of the Township and is hereby declared to be a nuisance and abatable as such in accordance with the provisions of the Second Class Township Code.
- B. Installation, alteration or modification of an OLDS or community sewage system without having obtained a permit as required by this Ordinance and the regulations of DEP, or, if a permit was obtained, in a manner which violates the terms of the permit.
- C. Failure to maintain an OLDS or community sewage system as required by this Ordinance.

All of these actions result in pollution of the waters of the Commonwealth and other natural resources of the Township and constitute a danger to the health, safety and welfare of Township residents. The actual expenses of the Township in the abatement of such nuisances plus a penalty in the amount of twenty-five (25%) percent of such expenses shall be filed as a municipal claim against the property.

Section 22. Waiver of Liability. Although this Ordinance is intended to provide guidelines for the installation and maintenance of OLDS and community sewage systems and the identification and maintenance of a replacement location for OLDS, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that systems installed under the provisions of this Ordinance will function as intended. The Township assumes no

responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township.

Section 23. Severability. If any sentence, clause, section or 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 Board that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 24. Repealer. All Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed.

Section 25. Effective Date. This Ordinance shall become effective five (5) days after enactment.

DULY ORDAINED AND ENACTED this 5th day of June, 2024, by the Board of Supervisors of the Township of West Lampeter, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST LAMPETER
Lancaster County, Pennsylvania

Attest:

Rebecca L. Dief
(Assistant) Secretary

By:

[Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of West Lampeter, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of West Lampeter at a meeting duly held on the 5th day of June, 2024; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of West Lampeter met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of West Lampeter or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of West Lampeter, this 5th day of June, 2024.

Rebecca L. Draf
(Assistant) Secretary

[TOWNSHIP SEAL]

