

## ORDINANCE NO. 2008 - 06

AN ORDINANCE OF THE TOWNSHIP OF LIBERTY, ADAMS COUNTY, PENNSYLVANIA, TO ESTABLISH SEWAGE MANAGEMENT DISTRICTS IN THE TOWNSHIP, PROVIDING DEFINITIONS OF TERMS, AUTHORIZING INSPECTIONS OF PROPERTIES, REQUIRING THE PERIODIC PUMPING OF SEPTIC SYSTEMS, AND PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE.

The Board of Supervisors of Liberty Township hereby ordains as follows:

**Section 1. Definitions.** The words and phrases used in this article shall have the meanings ascribed to them below. Any term not defined herein shall have the meaning attributed to it under the Sewage Facilities Act and the regulations promulgated pursuant to it.

ACT –the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*).

AUTHORIZED AGENT – a sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function as an agent of the Township to administer or enforce the provisions of this ordinance.

BOARD – the Board of Supervisors, Liberty Township, Adams County, Pennsylvania.

CLEAN STREAMS LAW – an Act of the Pennsylvania Legislature found in 35 P.S. §§691.1-691.1001.

DEPARTMENT (“DEP”) – the Department of Environmental Protection of the Commonwealth of Pennsylvania.

LOCAL AGENCY – the Liberty Township Board of Supervisors.

LOT – a part of the subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

OFFICIAL SEWAGE FACILITIES PLAN – a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

ON-LOT SEWAGE DISPOSAL SYSTEM – any system for disposal of domestic sewage involving treatment 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.

**PERSON** – any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, 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 public or private corporation for profit or not for profit.

**PRIVY** – a tank designed to receive sewage where water under pressure is not available.

**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 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. The term includes any substance that constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” as amended. *See*, 35 P.S. §691.1, et seq.

**SEWAGE ENFORCEMENT OFFICER (“SEO”)** – an official of the local agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the act and conducts investigations and inspections that are necessary to implement the act and the regulations thereunder.

**SEWAGE FACILITIES** - a method 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 wastes.

**Individual Sewage System** – A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

**Individual On-Lot Sewage System** – An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or retaining tank.

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

**Community Sewage System** – A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

**Community On-Lot Sewage System** – A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into a subsurface soil absorption area or retaining tank.

Community Sewerage System – A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

SEWAGE MANAGEMENT DISTRICT – any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management program is to be implemented.

SEWAGE MANAGEMENT PROGRAM – a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this ordinance.

SUBDIVISION – the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

TOWNSHIP – the Township of Liberty, Adams County, Pennsylvania.

WATERS OF THIS COMMONWEALTH – the rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

Section 2. **Application.** This Article shall apply, pursuant to the schedule provided hereafter, to sewage management districts as identified in the Liberty Township Official Sewage Facilities Plan (sometimes referred to as the “537 Plan”). A copy of a map identifying the boundaries of the various sewage management districts shall be available in the Township Office during normal business hours.

Section 3. **Inspections.**

- A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance.
- B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The inspection shall be approved by the property owner of record and/or current resident. A copy of the inspection report shall be furnished to

them which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank; date of inspection; name and address of the system owner; description and diagram of the location of the system including location of access hatches, risers, and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any system malfunction observed; result of any and all soils and water tests; and any remedial action required.

C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section. In the event that access to inspect the property is denied, or if no responsible resident/owner over the age of eighteen is present and a serious health or safety risk is thought to exist, the following steps may be taken:

(1) The matter will be officially presented in writing to the local agency

(2) The local agency may schedule a review at its next scheduled meeting. If the situation threatens the health and safety of the residents of the municipality, the Board of Supervisors may commence an immediate procedure to obtain a search warrant from a magisterial district judge.

(3) Upon receipt of a search warrant to inspect the property, the SEO of the municipality shall be accompanied by an officer of the Pennsylvania State Police or local municipal police force. An inspection shall be completed in accordance with this Subsection.

D. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.

#### Section 4. Maintenance.

A. Each person owning a building served by an on-lot sewage disposal system within the identified sewage management districts in the Official Sewage Facilities Plan,

which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler as provided in sub-sections (1) and (2) below:

- (1) Properties located Sewage Management District 1 as identified in the Official Sewage Facilities Plan, within two (2) year of effective date of this ordinance.
- (2) Properties located Sewage Management District 2 as identified in the Official Sewage Facilities Plan, within three (3) years of effective date of this ordinance.

Thereafter the tank shall be pumped at least once every three (3) years. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed three-year pumping period.

- B. Removal of septage or other solids from treatment tanks shall be performed once every three (3) years or whenever an inspection program reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank.
- C. The required pumping frequency may be increased at the discretion of an 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. If any person can prove that such person's septic tank had been pumped within three years of the effective date of this ordinance, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.
- D. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement that must be received at the Municipal Office of Liberty Township and Liberty Township SEO within thirty (30) days of the date of pumping, from the pumper/hauler or from any other

qualified individual acceptable to the Township, containing at the minimum the following information:

- (1) Date of pumping.
  - (2) Name and address of system owner.
  - (3) Address of on-lot system, if different from owner's.
  - (4) Description and diagram of the location of the tank, including the location of any markers, risers, access hatches, and size of treatment tanks.
  - (5) Condition of treatment tank baffles.
  - (6) Date the system was installed (estimate if necessary).
  - (7) Date of last pump-out.
  - (8) List of any other maintenance performed.
  - (9) Any indications of system malfunction observed.
  - (10) Amount of septage or other semi-solid or solid material removed.
  - (11) List of recommendations for repair and/or maintenance.
  - (12) Destination of the septage (name of facility, location of land application site).
- E. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a *Liberty Township* sewage enforcement officer for approval of the necessary repair.
- F. Any person owning a building served by a cesspool, dry well or pit privy shall have that system pumped once every three (3) years. If such system serves a building which also uses unmonitored ground or surface water, it is recommended that the water supply be tested by a state certified laboratory on a regular basis. Buildings utilizing such a system that is not in compliance with DEP regulations will replace or rehabilitate the non-conforming system with an acceptable system.
- G. Any person owning or 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

Township within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

- H. The local agency 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.

**Section 5. Disposal of Pumped Sewage (Septage).**

- A. All septage pumper/haulers operating within the limits of Liberty Township shall be licensed by DEP and registered with the Township and shall comply with reporting requirements established by the Township.
- B. All septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*) and all other applicable laws and at sites or facilities approved by DEP.
- C. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101–6018.1003) and all other applicable laws. If any pumper/hauler shall have been convicted of any violation of this ordinance, the local agency shall have the power to suspend said pumper/hauler from operating within the Township.

**Section 6. Appeals.**

- A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within 30 days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that

meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

C. A decision shall be rendered in writing within 45 days of the date of the final hearing.

**Section 7. Penalties.** This article is a regulatory scheme for the protection of health, public safety, and water pollution, and shall be enforceable pursuant to the Second Class Township Code. Any person who is convicted of violating this ordinance by a magisterial district judge shall be sentenced to pay a fine of up to One Thousand Dollars for each offense. Each day of violation shall be deemed to be a separate offense.

**Section 8. Severability.** The provisions above are severable. Should any portion of this Ordinance be declared by a final order of court to be invalid, the remaining provisions shall be unaffected by such declaration and shall remain in force and effect.

**Section 9. Effective Date.** This ordinance shall take effect immediately.

**ADOPTED AND ORDAINED** this 2nd day of December 2008.

On June 27, 2017, this true copy of the original ordinance was signed for Township records.

TOWNSHIP OF LIBERTY

John C. Bostick 6-27-2017  
Chairman

Attest:

[Signature]  
Its Secretary